

COURTHOUSES
(ILL.)

CIRCUIT

DRAWER 12A

ILLINOIS IN GENERAL

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Illinois

Courthouses on the Circuit

Excerpts from newspapers and other sources

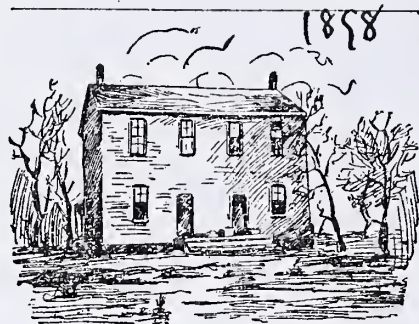
From the files of the
Lincoln Financial Foundation Collection

WHERE ABE PRACTICED LAW.

Old Courthouse at Lincoln, Ill., Has Connection with the Martyr.

The city of Lincoln, Ill., still contains one building in which Abraham Lincoln practiced law over forty years ago. It is known as the "Postville" court house, although that village was long ago absorbed by the present city.

The first county seat of Logan County was Postville, and the old court house, which still stands in the western part of Lincoln, was occupied as such from 1839 to 1848. In the latter year the courts were removed twelve miles south to Mount Pulaski, which village was the county seat until 1855. At almost every term of court from the time of the organ-

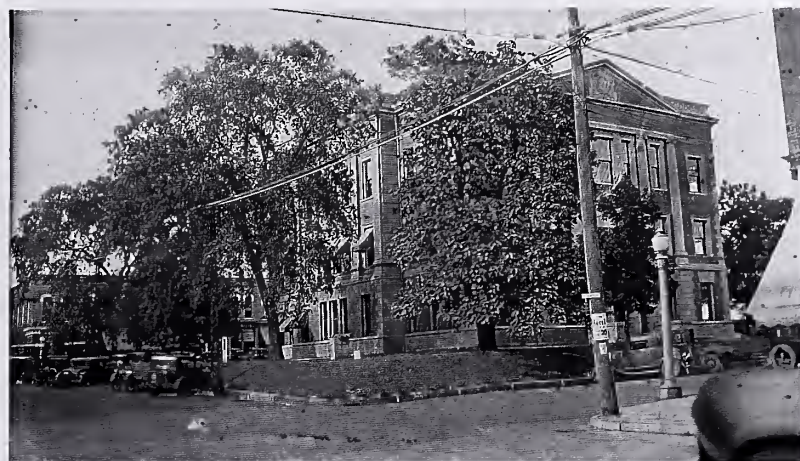


OLD POSTVILLE COURTHOUSE.

ization of the county as a separate local district and until his nomination for the presidency, Mr. Lincoln was one of the lawyers in attendance, and that he was a favorite with the people of the county is evidenced by the fact that the city bears his name. His stories are yet repeated by surviving pioneers who were county officials at that time, and his legal services in many of the trials of those times are still remembered.

When the Chicago and Alton Railroad was built through the county it did not pass through the new county seat, Mount Pulaski, nor the old one of Postville, but it did pass within a mile of the latter town. At this point a new town was founded and named in honor of Mr. Lincoln, who was was a friend of the men who were its founders.

At the sale of lots in the new town on Aug. 29, 1853, Mr. Lincoln was present and expressed his regrets at having no money with which to buy some of the town lots. However, two lots opposite the block set aside as the court house square were given to him by Messrs. Gillet, Hickox and Latham as an attorney fee for services in the work of securing the charter and deeds for the new city. These lots Mr. Lincoln owned until his death and were not sold by his heirs until about seven years ago.



P $\frac{US}{T}$ B:og. Lincoln Marker of Circuit.
 (Monticello?)
 June '29

Lincoln Citizens Plan To Convert Old Court House Into A Memorial Hall

3-31-1924
BY JOHN E. VAUGHN

Ill State Journal Springfield

Lincoln, March 30.—Lincoln, which enjoys the distinction of having been named for Abraham Lincoln prior to his achievement of great fame, is ambitious to make itself worthy of the honor. Its citizens are collecting and preserving everything in connection with the Emancipator's history to be found in Logan county. They are preparing to establish a permanent memorial devoted to this end.

It is planned to convert into a Memorial hall, the old Postville courthouse, which is still standing. Postville was the first county seat of Logan county and is now a part of the city of Lincoln. The ancient building is occupied as a private residence. During the years that have elapsed since its erection, changes have been made in it, but it can easily be restored to its original lines. The only really important change to be made in the outward appearance will be the reconstruction of the old-fashioned outside chimney.

Fortunately there are records of the changes made in the building, and no difficulty will be experienced in restoring the old courthouse. Thanks to local students of Logan county history and Lincoln civic organizations there is an uncommonly accurate record of Abraham Lincoln's connection with the history of the county. Judge Lawrence B. Stringer is one of the country's foremost Lincoln students, and his researches have extended far beyond local environs. Judge Stringer's contributions to the fund of reliable information concerning Abraham Lincoln has been acknowledged in the works of Senator Beveridge, Ida M. Tarbell and other authorities.

Admits He's Lincoln Fan.

Judge Stringer is a busy man but he can always find time to discuss Lincoln history. "I must acknowledge," he says, "that I am a fan on the subject of Lincoln history. I first became interested when I was a student in college, and the subject has been growing on me."

It would be impossible to say how many of Judge Stringer's public addresses have had to do with Mr. Lincoln. Not the least interesting feature of Lincoln study is the garnering of reliable data to be found in court records and the like, and Judge Stringer has had much experience in research work.

Students who are genuinely interested in Lincoln lore learn that a large proportion of what has been written concerning Mr. Lincoln is untrue. Much of it is ridiculous. For the serious student there is a thrill in puncturing myths with documentary evidence.

Judge Stringer is the editor of a history of Logan county, in which is emphasized Abraham Lincoln's connection with early local history. Lincoln was a member of the legislature when the county was carved out of the larger county of Sangamon. He was a member of the committee which reported the bill under which the county was created, along with Menard and Dane counties. The name of Dane county later was changed to Christian.

Judge Stringer refers to Lincoln as "Logan county's surveyor, Logan county's lawyer and Logan county's friend." Lincoln was a deputy surveyor of Sangamon county in 1836, when it was proposed to locate a

Lincoln "Fan" Ill



Hon. Lawrence B. Stringer.

town at Rocky Ford. Lincoln made the survey. The town was called Albany. This was prior to the creation of Logan county.

Find Many Documents.

There is in Lincoln a wealth of historical information connected with Lincoln's practice of law, political campaigning and personal visits to Logan county. In recent years valuable historical documents have been found in the vicinity. The records show that the city of Lincoln received its name through Abraham Lincoln's close association with its founders. The town was created in 1853. Its proprietors were Col. R. B. Latham, John D. Gillett and Virgil Hickox. Lincoln prepared the legal documents and they insisted that his name be inserted as the name of the town. One of the very few pieces of real estate Abraham Lincoln ever owned is in Lincoln. This property is a lot facing the courthouse square, which Lincoln acquired in 1858 and which he owned at the time of his death. It should be said in this connection that Mr. Lincoln's ownership of this lot was not due to any sentimental desire to possess property in Lincoln. He had paid a note for James Primm, the first clerk of Logan county. To reimburse him, Mr. Primm made a deed to this lot. Among the other markers with which historical spots in Logan county are designated is one showing the Lincoln lot.

Historians make much of Mentor Graham's influence on the life of Abraham Lincoln. Mentor Graham was the competent school master at New Salem, who is credited with being responsible for Mr. Lincoln's early mastery of good English. Mentor Graham was a resident of Lincoln, 1876 until 1883. His grandchildren still live in Logan county. Children and grandchildren of Mr. Lincoln's early friends and clients

are among the prominent residents of the city. At the Latham home are numerous "keep-sakes" which recall Lincoln's association with Colonel Latham and his visits to Logan county. The interest in Abraham Lincoln is evidenced with excellent Lincoln portraits in public buildings, schools, stores, offices and homes.

Lincoln anniversaries are observed without fail, and with due regard for the fact that Lincoln received its baptism in advance of some two-score Lincolns, named after his greatness had world-wide recognition. When the school children of the town sing "Illinois," they add this contribution from Judge Stringer:

"In the center of thy bounty, Illinois,
Stands our Lincoln, Logan county,
Illinois.
Th' only city that can claim
That it took the Lincoln name
Ere that hero rose to fame, Illinois."

Preservation Is Desired.

Reverting to the old Postville courthouse, its preservation is particularly desirable because it is one of very few structures now standing associated with Lincoln's early life. Another courthouse, erected after the removal of the county seat from Mt. Pulaski to Lincoln, was destroyed by fire April 15, 1857. There exists no photograph of this building. The courthouse which was erected on the site of the burned building stood until 1903, when it was torn down to make way for the handsome courthouse now occupying the square.

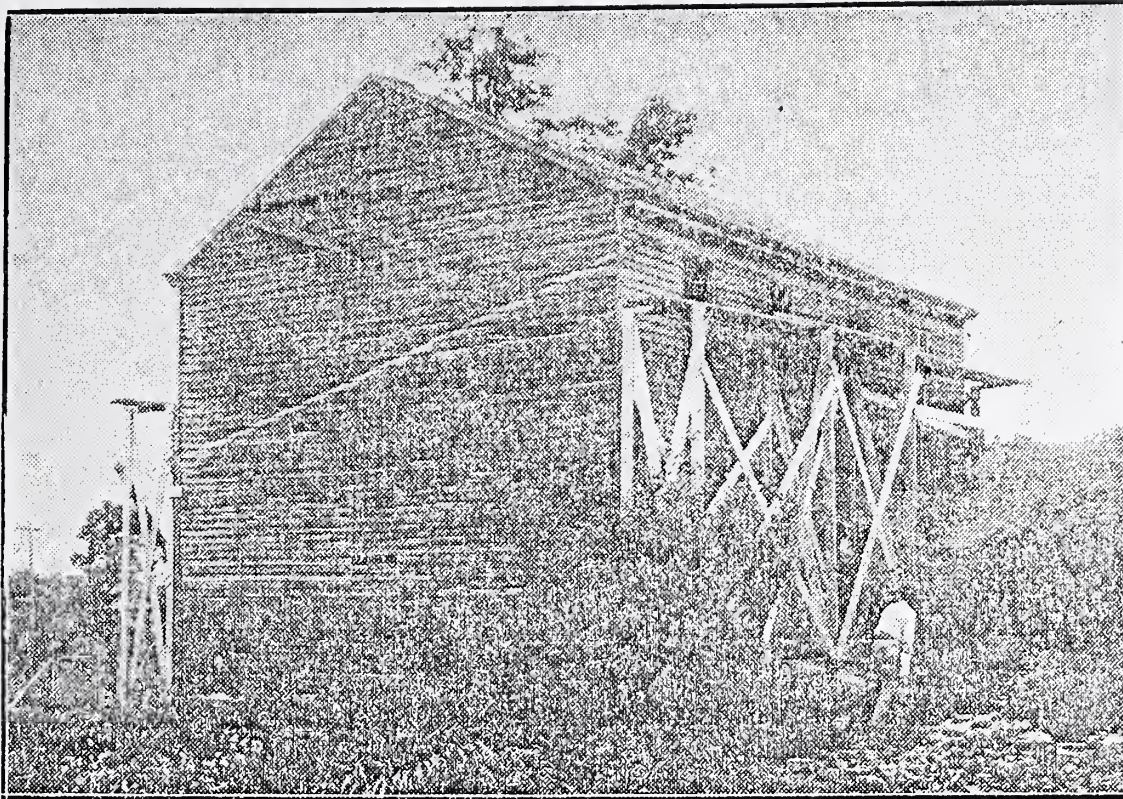
Postville became the first county seat of Logan county, for the reason that it was the most promising "settlement" in the county near the newly opened road from Springfield to Fort Clark. It was named after its founder, Russell Post, whose career makes a colorful story of pioneering. The courthouse was erected in 1841, when Postville became the permanent county seat, on an addition to the original village established by Post. In 1848, the county seat was moved to Mt. Pulaski and the old court-

house became the post office and general store.

From March 3, 1845 to Feb. 21, 1861, Postville bore the legal name of Camden, but this name was not generally recognized by the residents. It continued to be known as Postville until it was merged with Lincoln in 1865. History does not say why Postville's name was changed to Camden. It is possible that Post's failure in various business ventures and enterprises may have suggested another name for the town.

Mt. Pulaski became the county seat in 1847, on condition that its people erect a courthouse. This condition was met, and the courthouse erected the following year still stands. The shift to Lincoln in 1853, was in consequence of a desire that the county seat be located on the newly-built Alton and Sangamon railroad.

SCENES AT OLD LOGAN COURTHOUSE



The above photo shows a view from northeast showing rear and east sides of building. The workman has a load of shingles on his wheelbarrow and a stack of bundled shingles can be seen. At the left is the wire fence which has been built around the entire block to prevent curio seekers from making away with any of the building. *See full journal 4/10/00*

over

SAVING LINCOLN MEMORIALS.

(From the Champaign News-Gazette)

"On the record of thy years '82-117"
"Abraham Lincoln's name appears—Illinois"

THE name of Abraham Lincoln, martyred president, always will remain on the records of Illinois, but the material things that bound him to the state are disappearing rapidly. The latest movement is the sale of the Postville courthouse to Henry Ford, announcement of which appeared in print during the last few days. Postville was an early town in Illinois, later designated as Lincoln and now known by that name. Abraham Lincoln "christened" the town, and in a bantering tone declared that "nothing named Lincoln would ever amount to much." The residents of Lincoln no doubt will insist that Lincoln erred in that statement, but will accept it as a jocular remark of a self-conscious man.

But the point is that every community should retain the landmarks that associate its illustrious sons and link the past with the future. It may be that Ford will permit the Postville courthouse to remain at Lincoln and make of it a shrine. Again, he may raze it and reassemble it at some distant point, forever lost to Illinois and to the city of Lincoln. That would be a calamity. Every community needs its landmarks for the influence they have on the younger generations. It is all very well to read of the high ideals of those who are gone. Much that is good can be absorbed in this manner. But how much more influential is something of a physical nature. The child may read of Lincoln, of Washington, and other American heroes—and forget. But there is little fear of him forgetting once he has said: "I stood where Lincoln stood"; or "I was in the room where the first American flag was made." The child who has touched the Liberty bell in Philadelphia, or has seen the Constitution of the United States under its colored glass covering in Washington is better able to grasp the significance of these landmarks of liberty than the child who has merely seen the pictures of them and read the descriptions.

Every community has its landmarks that are worth preserving. It may be they are not mementoes of such famous men as Lincoln and Washington, but nevertheless they should be preserved. The community which does have mementoes of Lincoln should guard them closely and not permit them to be dese-

crated or destroyed. There is a certain thrill in visiting such places as have been occupied by our national heroes, or viewing articles which have been associated with them in a personal manner. We of Champaign-Urbana, and others living on Route 10, should give thought each time we travel the highway that Lincoln followed that same route. The thought should be expanded into a resolve to adopt the high ideals of Lincoln. Such thoughts should be transmitted to the younger generation for the moral effect they would have.

No doubt there are numerous communities in this part of Illinois which have physical mementoes of Lincoln. Each community should search out such landmarks and preserve them. If the Postville courthouse is removed from Lincoln, future generations there will regret their loss. And so will it be with other communities which discover too late that they have lost something of inestimable value, something which may be used as a physical example of the value of a citizen to his community, state, or nation. The future is built on the past, and these relics of the past serve to form a tangible link between the past and the future. By all means, we should pre-

serve the landmarks which designate events in the progress of the country.

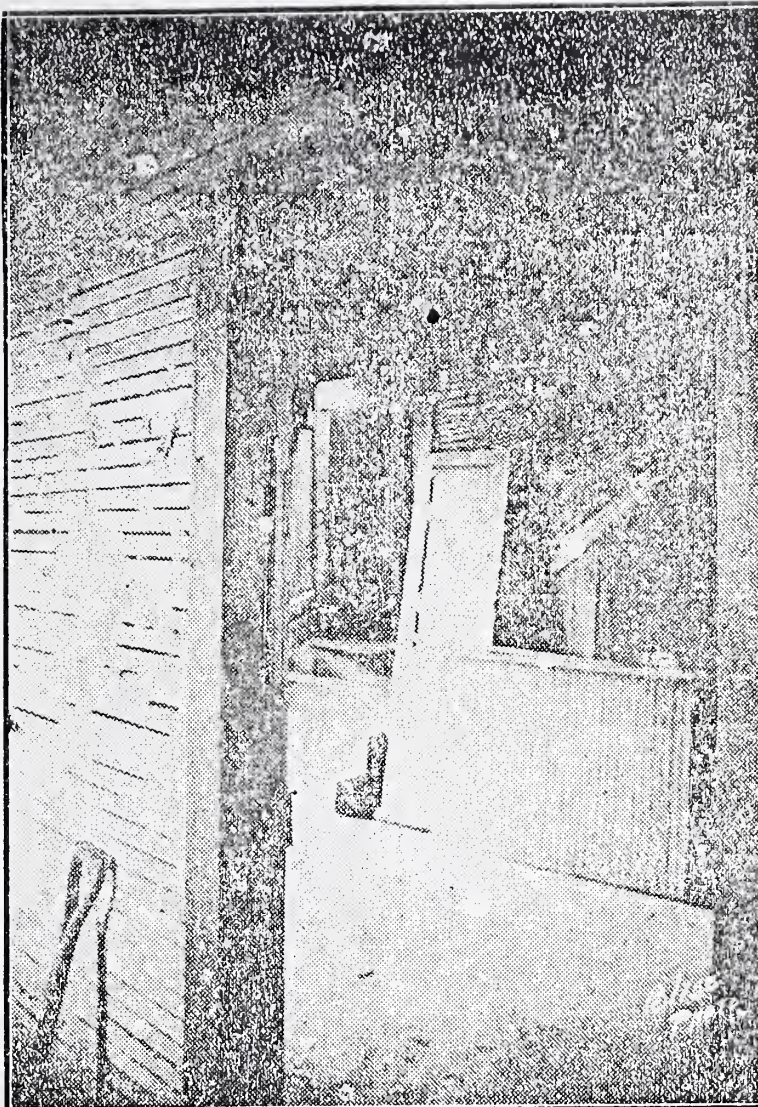
Lincoln Evening Courier
LINCOLN, ILLINOIS

DISMANTLING OF OLD COURTHOUSE IS MADE INTO "TALKIE" NEWS

Special to The State Journal
Lincoln, Sept. 14.—As hammers resounded and weatherboarding fell to the ground under the swift hands of workmen engaged in dismantling the old Pottsville courthouse the noises and scenes were recorded on a talkie movie unit.

The Pathe sound news and travel unit from Chicago spent two hours taking pictures and recording statements from Mrs. T. T. Beach from whom Henry Ford purchased the historic building, and Mayor David W. Clark. George Watkins who has been employed by Mr. Ford as caretaker was also photographed.

Traffic over state route No. 4 on which the old court house fronts was stopped during the time the sound pictures were being taken.



This photo shows the rear exit and the original doors. These doors were located on the north end of the large hallway that originally ran through the historic building from north to south.



The Beardstown Court room where Lincoln cleared
 1931 his name by the Almanac. *compulsory* H.W. Gray.

111, Beardstown, Court House



The Last of the Lincoln Courthouses.

The old courthouse at Metamora, Woodward County, Illinois, the only courthouse still standing in which Abraham Lincoln practiced law, was, writes a contributor, transferred not long ago to the State of Illinois, to be used as a memorial and Museum.

The original and temporary county seat of Woodford was at Versailles, and the first courthouse was a square one-roomed building unpainted, and unplastered with a fireplace at either end, a raised platform for the Judge's chair and seats made of split logs with the flat side up and set on pins.

At the end of two years it was determined to leave the permanent site of the county seat to five commissioners, all of who were men living outside of the county.

The commissioners were to meet at Versailles on the first Monday in June, 1843. Hanover, now called Metamora, more centrally located and on the state road was a contestant for the coveted honor, and the contest was waged with great spirit. As a last ~~measure~~ measure, the Versailles faction intercepted the Commissioner from Fulton County, who was believed to be in favor of Hanover, as he was on his way to the meeting, and informed him that the meeting had been held and, lacking a quorum, had adjourned. Thereupon he turned his face homeward, but learning of the trick, the Hanover faction sent a rider on a fleet horse to overtake him. The commissioner again turned toward Versailles, and although his horse gave out and he was compelled to stop overnight on the way, he reached Versailles in time for the meeting, where, after due deliberation, the result ~~was~~ was in favor of Hanover. The courthouse was loaded on runners, and by a circuitous route to avoid heavy timberland, arrived at its destination two days later.

The Courthouse has become the Lincoln Memorial and museum. It was built by David Irving in 1845 on a contract for \$4400.00. At that time there were no railways west of the Allegheny Mountains, and with the exception of the windows, hardware and so forth, the material used in its construction was of wholly native product.

The bricks and lime were burned in nearby kilns, the timbers were hewn from logs cut in a nearby forest, the greater part of the lumber was sawed from Black walnut logs, the finishing lumber came from white walnut or butternut logs and the shingles were of black walnut. These timbers must not be confused with the yellow or shell bark hickory, or the white or butternut hickory, which, throughout New York and New England are commonly called sweet walnut and bitter walnut respectively.

The state of preservation in which the building is, testifies to the enduring qualities of the materials.

The style of architecture is typical of that of the courthouses on the period

Copied September 14, 1932 - E.L.B.

E. L. B.

Plan to Make Lincoln Shrine Out of Old Logan County Courthouse Located at Mt. Pulaski, Used for Post Office

State Register Special Service

MT. PULASKI, Ill., June 24.—Plans are being formulated to make a Lincoln shrine out of the old Logan county courthouse, located on the public square in Mt. Pulaski. Abraham Lincoln practiced law as a circuit rider in this old brick building, in the days before he became famous. The Postville courthouse also made famous as a place in which Lincoln pleaded his cases was purchased several years ago by Henry Ford and moved in its entirety to his Dearborn village.

A meeting was held recently at the city clerk's office and a temporary organization formed to begin the project and to prepare plans for a permanent organization.

J. C. Snyder, who has been doing considerable research work in reference to the various phases of the proposition to make a Lincoln shrine of the building, was chosen as temporary chairman, and Keith Rothwell secretary. Both are to act in this capacity until a permanent organization is formed. The new chairman was authorized to appoint a committee to draw up the plans for a permanent organization to be voted on shortly at a public meeting.

The South Side club three years ago donated a copper memorial marker which was placed at the south door of the building. The first floor is now used as the United States Post-office, and office of the city police. The second floor is rented to the American Legion.

Frank B. Snyder told of the arrangement and appearance of the original court house as far as he was able to ascertain from having talked

with a number of old settlers the past few years.

6 LINCOLN COURTHOUSE. (Where Abraham Lincoln practised law.)—This two-story frame structure of black walnut, formerly a courthouse of Logan County, Illinois, was erected in 1840 and for eight years thereafter Abraham Lincoln practised law in it. The lower floor was used for court with the judge's bench at one end and a fireplace at the other. During the Edison celebration on October 21, 1929, President Hoover lighted the fire in this fireplace. One of the articles of furniture shown is the original corner cupboard fashioned by young "Abe" Lincoln and his father to pay for a book borrowed from a neighbor and spoiled.



*Edison Institute Museum
and Village*

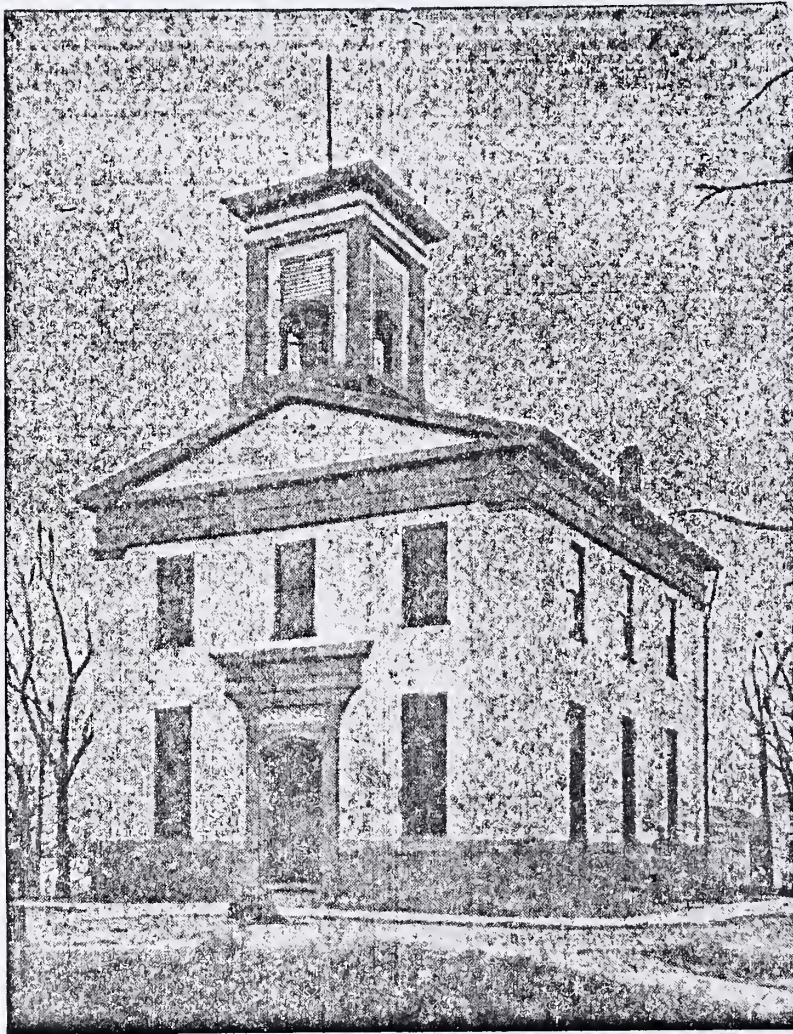
Page five

1934

4/20/36

ILLINOIS STATE JOURNAL, SPRINGFIELD

Where Lincoln Practiced Law



The old courthouse at Mt. Pulaski, shown above, used for many years as a postoffice and for police headquarters, is now the property of the state and is being restored as a Lincoln memorial. Mt. Pulaski was one of the many towns

visited by Lincoln as he traveled the eighth judicial circuit, and he practiced in this building from 1848 (when the county seat was removed from Postville) until 1855, when the city Lincoln became the Logan county seat.

Delegation to Seek Legislation for State to Buy Court House

An executive committee representing the city and county governments and the Abraham Lincoln association will call upon Governor Horner at 11 a.m. Monday to confer regarding the possibility of purchase of the county court house as a Lincoln shrine. The purchase price of the court house would be used by the county as a part of its donation toward the proposed new city-county building.

The committee, appointed at a joint meeting of representatives of the city council, the board of supervisors and the Abraham Lincoln association Saturday noon includes Logan Hay, president of the Abraham Lincoln association, chairman; John R. Jones, chairman of the county board of supervisors; and Mayor John W. Kapp; and Harry Hopper, chairman of the supervisors' city-county building committee.

The committee will be spokesmen for a delegation of supervisors and local merchants who plan to attend the conference with the governor. All supervisors who wish to attend the meeting are asked to meet in the state house at 10:30 a.m.

Ask Legislation

In previous conferences regarding the proposed city-county building it has been suggested that the governor include legislation for the purchase of the court house and grounds by the state in his call for a special session of the legislature this month. The price of the court house and grounds has been set at about \$500,000.

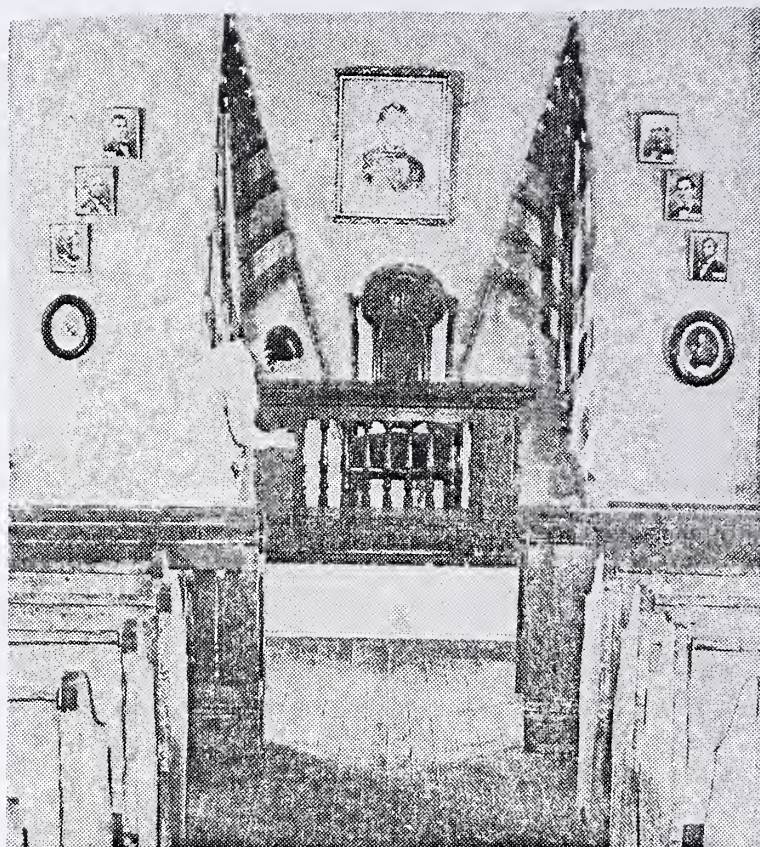
At the meeting Saturday Mayor Kapp explained the project and said the city also wished to co-operate with the county in the matter of better accommodations for county prisoners. The mayor said that he had told the supervisors that the city stood ready, at any time, to care for county prisoners on whatever basis the county wished. He explained that certain tiers of the city prison could be allotted to the county and operated independently of the city prison.

It had previously been proposed that a county jail be installed on the top floor of the proposed city-county building.

Hay Asks Support

Mr. Hay said he was "quite sure the governor would be singularly receptive to a proposition to make a Lincoln museum out of the court house provided it can be done reasonably."

However, Mr. Hay said that the project needed the backing of the entire community. "Everybody should be of one mind on this project," he said. "I don't think there is any question but that sooner or later such a move will come about. I believe that the old court house building costs more and more to maintain each year and also becomes more inadequate with the passing of the years."



Courtroom in Metamora courthouse, only original building left in 8th judicial circuit Lincoln rode as lawyer.
[TRIBUNE Photo.] 2/12/40 (Story on page 15.)

Illinois State Journal

Largest Circulation Of Any Newspaper in Illinois Outside of Chicago

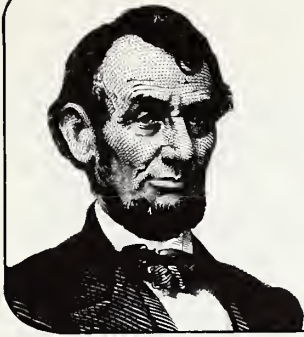
SPRINGFIELD, ILL., WEDNESDAY, NOVEMBER 20, 1940

FOR TRIP TO BRITAIN--SIAM



—State Journal Photo.

COURTHOUSE ON HISTORIC SITE—DeWitt county's courthouse, at Clinton, built in 1893, is shown above. It was on this site that Abraham Lincoln, during the Lincoln-Douglas senatorial campaign in 1858, made his famous speech in which he said, "You can fool all the people some of the time, and some of the people all the time, but you cannot fool all the people all the time."



Lincoln Lore

March, 1980

Bulletin of the Louis A. Warren Lincoln Library and Museum. Mark E. Neely, Jr., Editor.
Mary Jane Hubler, Editorial Assistant. Published each month by the
Lincoln National Life Insurance Company, Fort Wayne, Indiana 46801.

Number 1705

“That Love Affair”: Did William Makepeace Thayer Nearly Uncover the Mary Owens Romance?

Early in the summer of 1862, a Boston publishing firm, Walker, Wise, and Company, asked William Makepeace Thayer to write a book for boys on Abraham Lincoln's early life. Thayer, a Congregationalist minister from Massachusetts, was already locally famous for his boys' biography of Nathaniel P. Banks called *The Bobbin Boy*. Walker, Wise, and Company gave Thayer some letters and documents by John Locke Scripps, the Chicago author of one of the earliest campaign biographies of Lincoln, to prepare him for the task. Thayer planned to use the successful *Bobbin Boy* as a model. He would tell “the actual early life” of Lincoln as “a story, the imagination doing nothing more than to connect facts in the most natural way.” This style was “more taking with the young” and allowed Thayer to follow a tested formula, inserting only the facts of another man's life. Thayer's object was “to show that ‘the boy is father of the man,’ showing the young that pluck and not luck makes the man, when it is accompanied with patience, perseverance, application sobriety, honesty &c.”

After about a month of work on the book, Thayer read a letter written from Lincoln's old Illinois friend, Orville Hickman Browning, to his publisher, Mr. Wise. It emboldened him to write Browning on July 18th, to inquire about more details of the President's early life. Thayer's letter, now in the Abraham Lincoln Papers at the Library of Congress, reveals in detail the origins of his fabulously popular work on Lincoln.

The didactic author asked first about Lincoln's schooling:

The President went to school some in Kentucky before he moved to Indiana[.] There is where I want to begin the story of his life. Is it possible for me to learn any thing about his father's employment then, in what kind of a house he lived, how poor they were,

whether he went to school in a house built for a school, was his father's house & was the school house of logs? What is the name of the town where he was born?

Like Scripps, Thayer was a sturdy Republican, and he naturally seized on the story of the Lincolns' departure from Kentucky. “His life by Mr. Scripps,” Thayer continued, “says that his father left Kentucky because slavery oppressed the poor whites — could I learn any facts about that?” Lincoln had actually told Scripps that his father left Kentucky “partly on account of slavery; but chiefly on account of the difficulty in land titles in K[entucky].” Thayer would continue to stress the antislavery theme which appealed to Republicans.

As an Easterner, Thayer was anxious for the details of life on the frontier. He wanted to know about Lincoln's rolling logs and “going to huskings.” He also sought information about those things which made frontier life more civilized. He asked for the names and addresses of “any of his pastors or teachers.” He made a special point of asking for “Any facts relating to his temperance principles, & resisting temptations to drink.” Descriptions of the baneful effects of heavy drinking before the rise of the temperance movement and admonitions against drinking would form a principal theme in Thayer's Lincoln biography.

Thayer wanted the names and addresses of the Lincolns' neighbors in Kentucky, Indiana, and Illinois. He especially desired the address of Lincoln's stepmother, for he would place heavy emphasis on the role of the mother and stepmother in Lincoln's home. Thayer had already written to Mary Todd Lincoln but received no reply. He told Browning that he would like to correspond with her or, at least, with the Lincolns' eldest son, Robert.

One of Thayer's questions was extraordinary:

That love affair — I



THE PIONEER BOY.

From the Louis A. Warren
Lincoln Library and Museum

FIGURE 1. This illustration from Thayer's book showed the pioneer boy cutting down a tree with his father in the Indiana wilderness.



FIRST DAY AT SCHOOL.

From the Louis A. Warren
Lincoln Library and Museum

FIGURE 2. The frontispiece of Thayer's book featured young Lincoln on his way to his first day in school.

should really like to learn the leading features of it, inasmuch as there is a matter of honor in it — a prominent part of my object is to show that his strict integrity has given him his *power of character*, which had as much to do with giving him the Presidency as anything.

What love affair? Scripps mentioned no romantic interests in Lincoln's life except his wife. Lincoln's romance with Mary Owens was unknown to the public until the appearance of Ward Hill Lamon's *Life of Lincoln* in 1872. How did Thayer know anything about any "love affair" before Mary Todd?

The answer must lie in Browning's letter to Wise, but the location of that letter is unknown. Browning did know about the Mary Owens affair. Lincoln's famous April Fools' Day letter about it was written to Browning's wife in 1838. That letter made a particular point of Lincoln's desire to do the honorable thing. Having promised to marry Mary Owens, he would live up to the promise even though he did not particularly want to marry her. Why Browning would have written Wise about the matter is unclear. Browning's diary shows that he was acquainted with a Mr. Wise from Boston before the war, but it is not clear whether this was the man associated with Thayer's publishing firm. Lincoln's letter about Mary Owens was old and entirely private, and it was hardly a proper subject for idle conversation, even with a close friend. In the wrong hands, it could have been fuel for ridicule of the President. Even if Browning mentioned it to Wise, it seems strange that Wise would have shown Browning's letter to Thayer without Browning's permission.

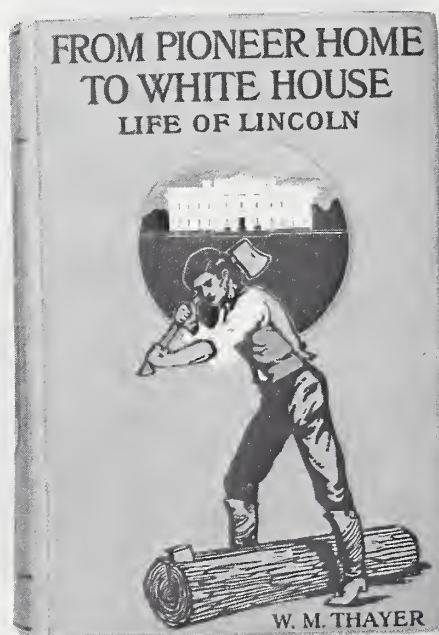
Years later, William Henry Herndon uncovered most of the details of the Mary Owens affair. It was a piece of detective work of which he was proud. Herndon had heard a story — he did not know whether it was true — "that during his term as President the lady to whom it was written — Mrs. O. H. Browning, wife of a fellow member of the legislature — before giving a copy of it to a biographer, wrote to Lincoln asking his consent to the publication, but that he answered warning her against it because it was too full of truth." Thayer's letter makes Herndon's story somewhat plausible.



THE FIRST LETTER.

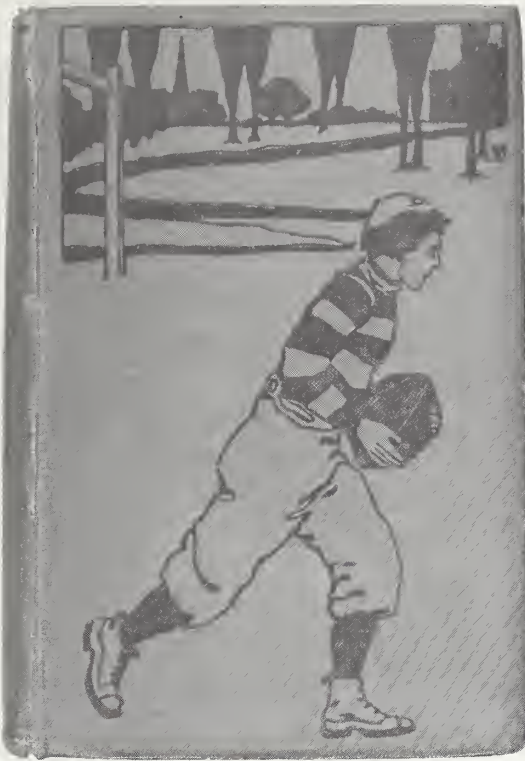
From the Louis A. Warren
Lincoln Library and Museum

FIGURE 3. Lincoln wrote his first letter, Thayer said, to obtain a preacher for Nancy Hanks Lincoln's funeral.



From the Louis A. Warren
Lincoln Library and Museum

FIGURE 4. Still popular in the 1920s, Thayer's expanded book featured more sophisticated art work on the cover.



From the Louis A. Warren
Lincoln Library and Museum

FIGURE 5. The 1882 edition of Thayer's expanded book featured on the cover, of all things, a football player.

We may never know. In the end, Thayer did not mention any romance in his book. On July 26, 1862, Browning saw President Lincoln at the White House and "read him a portion of the letter." Lincoln asked him to leave the letter with him. Browning did so, and thus the letter now appears in the Abraham Lincoln Papers at the Library of Congress. As far as is known, Lincoln never replied to Thayer's letter. *The Pioneer Boy, and How He Became President* appeared in 1863 and was a great success. Seven thousand copies had been printed by the end of 1863, and eighteen thousand were in print in 1864. An 1865 edition noted that twenty-eight thousand copies had been printed. He expanded the book in 1882 and sold about sixty thousand copies by the end of the century. Though no longer read, Thayer's book was, for a time, the most complete biography of Lincoln, and its rags-to-riches theme was clearly a formula for successful writing in Lincoln's century.

Some New Light on the Matson Slave Case

Of the handful of Abraham Lincoln's legal cases which are widely known, the Matson slave case is by far the most controversial. The anomaly of the Great Emancipator's involvement on the side of a slaveholder in this fugitive slave case has vexed and puzzled historians for decades. Early biographies tended to ignore it altogether. Later, some writers tried to explain it away by suggesting that Lincoln had so little taste for this species of litigation that he performed poorly in court, lost the argument, and thus allowed the fugitives to go free. Historians in recent years have been content to admit that Lincoln was a complex man, not always consistent, and to emphasize the rapid growth of his anti-slavery feelings in the later years of his life. All of this literature, however, has been consistent in focusing on the lawyer's personal moral dilemma. The legal issues involved

in the case have been substantially ignored.

The Matson slave case was a hearing for a writ of *habeas corpus* in behalf of Jane Bryant and her four children. They were the slaves of Robert Matson, a Kentucky planter who owned land in Coles County, Illinois. Matson brought slaves to Illinois to farm the land every year but always returned them after harvest, thus avoiding any claim that his slaves were permanent residents on Illinois's free soil and, therefore, entitled to freedom. Matson employed Jane's husband, Anthony, as a permanent overseer on the Illinois farm. This was strictly legal, for Anthony was a free man.

In 1847 Jane Bryant had a serious falling-out with Matson's white housekeeper, who may have been the master's mistress. Anthony began to fear that the housekeeper might persuade Matson to sell Jane and the children South. The housekeeper had threatened to do so, and she appeared to be in a position to make her threat stick. Anthony sought the help of Gideon M. Ashmore and Hiram Rutherford, local antislavery men. They kept Jane and the children at Ashmore's inn in Oakland, Illinois. Matson sought the remedy of law to gain the return of his property. He employed attorney Usher F. Linder, who managed to have the slaves confined to the jail in Charleston, the county seat of Coles County. Ashmore and Rutherford obtained a writ of *habeas corpus*, demanding Illinois's reasons for confining the fugitives, and a hearing was held before Judges Samuel H. Treat and William Wilson on October 16, 1847.

Lincoln came to Coles County and was also engaged on Matson's side. The opposing attorneys, Orlando B. Ficklin and Charles H. Constable, argued that the Northwest Ordinance of 1787 and the Illinois Constitution made the slaves free by virtue of their residence on the soil of a state where slavery was illegal. Lincoln apparently argued that Jane Bryant was a seasonal worker following a long-accepted custom and was in no way a legal resident of the state. The judges ruled in favor of the slaves and declared them free.

The aforementioned facts in the case are common knowledge. New light comes from Don E. Fehrenbacher's *The Dred Scott Case: Its Significance in American Law and Politics* (New York: Oxford University Press, 1978). Professor Fehrenbacher explains that the legal difference between "domicile" and "sojourn" in a free state was a commonplace distinction in American jurisprudence in Lincoln's day. In Pennsylvania, for example, a master could remain in the state with his slaves for six months without affecting the legal status of the slaves. New York allowed a nine-month sojourn with slaves. In 1843 the Illinois Supreme Court had affirmed a master's right of sojourn in the state with his slaves, saying that to deny it would "tend greatly to weaken, if not to destroy the common bond of union amongst us." In the 1840s, however, New York and Pennsylvania revoked their laws allowing sojourn with slaves, and courts in other Northern states began to rule that slaves were freed merely by touching free soil. In the Matson case, some of Illinois's judges followed the new trend.

John J. Duff argued in *A. Lincoln: Prairie Lawyer* (New York: Rinehart, 1960) that Lincoln performed well in the case and that Ficklin and Constable performed poorly. All they had to do to assure her freedom, Duff claimed, was to cite as precedent the decision in *Bailey vs. Cromwell* — in which Lincoln himself had gained freedom for a Negro girl named Nance by arguing that the Illinois Constitution and the Northwest Ordinance prevented her being a slave in the state! Duff's argument betrays his lack of understanding of the issues in the Matson case. The issues in *Bailey vs. Cromwell* were altogether different. Nance was a resident of Illinois, an indentured servant rather than a slave. The Supreme Court ruled that Illinois law presumed a person free without any proof to the contrary, and Nance's "owner" could not produce that proof. The important point is that she lived in Illinois. *Bailey vs. Cromwell* had nothing to do with "domicile" and "sojourn."

The real marvel in the case is the reasoning of Treat and Wilson. Both men had been members of the Illinois Supreme Court in 1843, when it affirmed the right of sojourn with slaves in the state!

In the Matson slave case, Lincoln and Linder had the law on their side but not the judges.

CUMULATIVE BIBLIOGRAPHY 1979

by Mary Jane Hubler

Selections approved by a Bibliography Committee consisting of the following members: Dr. Kenneth A. Bernard, 50 Chatham Road, Harwich Center, Mass.; Arnold Gates, 289 New Hyde Park Rd., Garden City, N.Y.; Carl Haverlin, 8619 Louise Avenue, Northridge, California; James T. Hickey, Illinois State Historical Library, Old State Capitol, Springfield, Illinois; E.B. (Pete) Long, 607 S. 15th St., Laramie, Wyoming; Ralph G. Newman, 175 E. Delaware Place, 5112, Chicago, Illinois; Hon. Fred Schwengel, 200 Maryland Avenue, N.E., Washington, D.C.; Dr. Wayne C. Temple, 1121 S. 4th Street Court, Springfield, Illinois. New items available for consideration may be sent to the above persons, or the Louis A. Warren Lincoln Library and Museum.

1979

ABRAHAM LINCOLN ASSOCIATION

1979-12

Papers of the Abraham Lincoln Association/Volume 1 1979/Foreword/By Floyd S. Barringer, President, Abraham Lincoln Association/Introduction/By William K. Alderfer, Secretary, Abraham Lincoln Association/The Lincoln Theme Since Randall's Call: The Promises And Perils Of Professionalism/By Mark E. Neely, Jr., Fort Wayne, Indiana/Lincoln: Democracy's Touchstone/By David R. Wrone, Stevens Point, Wisconsin/Abraham Lincoln Association/1979/Editors/Mary Ellen McElligott Janice Petterchak/[Copyright 1979 by the Abraham Lincoln Association.]

Book, paper, 8 15/16" x 6", 91 (1) pp., illus. Yearly membership dues include a subscription to this publication. Request for information should be directed to William K. Alderfer, Secretary, Abraham Lincoln Association, Old State Capitol, Springfield, Illinois 62706.

O'TOOLE, G.J.A.

1979-13

The / Cosgrove / Report: / Being the Private Inquiry/of a Pinkerton Detective into/ the Death of President Lincoln/(Device)/by Nicholas Cosgrove/(Device)/Edited And Verified By/ Michael Croft, Col., U.S. Army (Ret.)/ (Device)/An Annotated Novel/ Presented By/G. J. A. O'Toole/(Device)/ Rawson, Wade. New York/[Copyright 1979 by George O'Toole. All rights reserved.]

Book, cloth, 9 3/16" x 6 1/8", viii p., 424 pp., illus., price, \$12.95.

DAVIS, CULLOM,
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Book, cloth, 9 1/4" x 6 1/8", x p., 182 pp., price, \$18.95.

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The/Minor/Affair/An Adventure/in Forgery/and Detection/ Don E./Fehrenbacher/William Robertson Coe/ Professor of History and/American Studies/Stanford University/Louis A. Warren/Lincoln Library and Museum/ Fort Wayne, Indiana/[Copyright 1979 by the Louis A. Warren Lincoln Library and Museum. Permission to abstract is granted provided proper credit is allowed.]

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A. Lincoln/The/ Crucible of/ Congress/by/ Paul Findley/ Crown Publishers, Inc., New York/[Copyright 1979 by Paul Findley. All rights reserved.]

Book, cloth, 10 1/4" x 7 1/4", xvii p., 270 (1) pp., illus., price, \$14.95.

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1979-17

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Book, cloth, 8 1/4" x 5 1/4", x p., 308 (2) pp., price, \$14.95.

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1979-18 a

Lee David Hamilton/The Lincoln Bookcalendar/1980/ (Illustration of two Lincoln busts facing each other; bust on left by Leo Cherne, sculptor, is bearded and bust on right by Leonard Wells Volk, sculptor, is beardless)/(Cover title)/ [Copyright 1979 by Lee David Hamilton. All rights reserved. Reproduction in any manner, in whole or in part, is prohibited. Bookcalendar copyright and Calendarbook copyright in 1979. Published by The Prairie River Press, Post Office Box 8, Greenville, Wisconsin 54942.]

Pamphlet, flexible boards, 8 1/2" x 7", 60 pp., illus. Bookcalendar on Lincoln contains text, plain and colored illustrations, and a 1980 calendar.

HAMILTON, LEE DAVID

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ILLINOIS STATE
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Abraham Lincoln/Family Pets—Lincoln's Visit to Macomb—Diligence Breeds/Success—Railroaders and/Rivermen—An Affectionate/Farewell—Give No Offense—/By All These Hands—A Week/ of Waiting—On January First/(Portrait of Lincoln facing right)/ Abraham Lincoln/(Cover title)/ [Copyright 1979 by the Illinois State Historical Society. Published by the Illinois State Historical Library in cooperation with the Illinois State Historical Society, Old State Capitol, Springfield, Illinois 62706.]

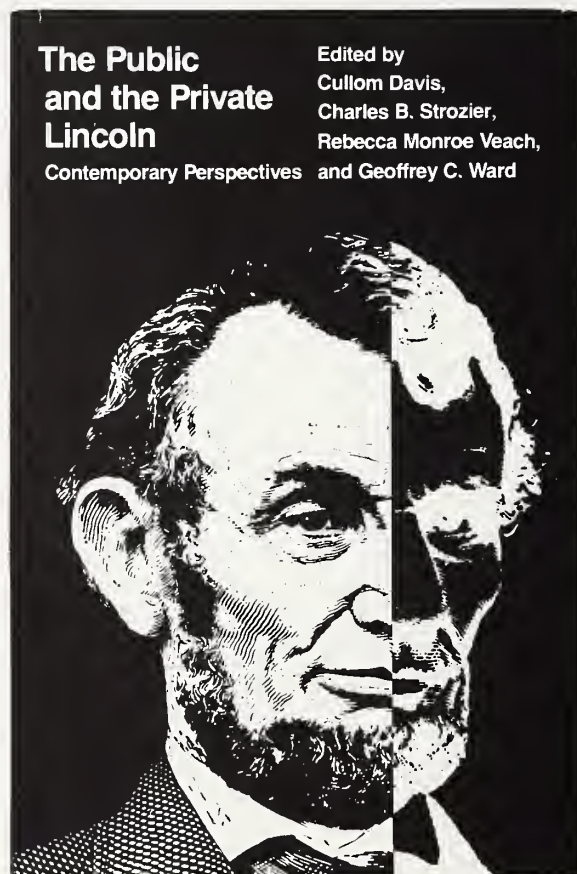
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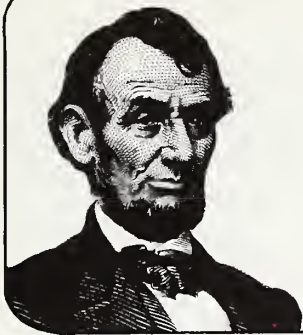
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Lincoln Lore

January, 1982

Bulletin of the Louis A. Warren Lincoln Library and Museum. Mark E. Neely, Jr., Editor.
Mary Jane Hubler, Editorial Assistant. Published each month by the
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Number 1727

THE INSANITY DEFENSE IN LINCOLN'S ILLINOIS

The recent verdict in the case of John W. Hinckley, Jr., has provoked a great outcry against the insanity defense. Indiana's "guilty but mentally ill" verdict, itself the product of the outraged aftermath of two recent successful insanity defenses in the state, has become the focus of national attention. Numerous journalists are discussing the virtues of placing the burden of proof on the defendant who claims insanity as a defense. The

feeling is widespread, as Robert Coles said in *The New Yorker*, that "the law . . . has changed from what is once was," and people are worried about it.

There are many new things in the law, but the insanity defense is not one of them. Critics seem to think of it as a new-fangled product of a degenerate age. The insanity defense is depicted as a dirty trick played on justice by a post-Freudian



Courtesy of National Collection of Fine Arts,
Smithsonian Institution

FIGURE 1. Justice appears primitive in William Brickey's painting of a *Missouri Courtroom*. Yet in such surroundings sharp lawyers occasionally argued the insanity defense for their clients.

society incapable of telling right from wrong. In truth, the insanity defense is much older than Freudian psychology. It is an aged institution in American and English law. It was well established when Abraham Lincoln practiced law. He might have used it for his own clients, and he certainly saw it used in Illinois courtrooms. He never complained about its use, and the Illinois Supreme Court of Lincoln's day upheld the insanity defense and met some of the same arguments that are used against it today.

In June, 1855, a man name Isaac Wyant became embroiled in a street brawl over a land boundary dispute. One Anson Rusk shot Wyant in the arm. After the limb was amputated near the shoulder, Wyant murdered Rusk in the County Clerk's office in Clinton, Illinois, on October 12, 1855. He shot him four times in broad daylight and in the presence of several witnesses. In 1857 the case (*The People v. Wyant*) was tried in Bloomington, Illinois (March 31-April 5), on a change of venue. David Davis was the judge, and Lincoln aided the prosecution.

Wyant pleaded not guilty by reason of insanity. His sanity had been questionable long before the murder, and several doctors, including the Superintendent of the State Hospital for the Insane at Jacksonville, testified for the defense. Wyant was acquitted and became an inmate at Jacksonville for several years thereafter. He was eventually released on condition that he return to his native Indiana to stay.

Joseph E. McDonald met Lincoln and other lawyers when they were discussing the case in Danville. Lincoln "had made a vigorous fight for the prosecution" and was surprised to learn that Wyant was an old friend of McDonald's. McDonald had frequently represented him as his counsel in various scrapes in the past. Lincoln wanted to know all about the defendant, and McDonald filled him in. As the lawyers headed to the courthouse the next day, Lincoln told McDonald that he had been much disturbed by what he had learned about Wyant. He had had trouble sleeping, fearing that "he had been too bitter and unrelenting in his prosecution." "I acted," Lincoln said, "on the theory that he was 'possuming' insanity, and now I fear I have been too severe and that the poor fellow may be insane after all. If he cannot realize the wrong of his crime, then I was wrong in aiding to punish him."

Lincoln had learned his lesson. Within a few months of the Wyant trial, Robert Sloo of Shawneetown, Illinois, killed a man who had written a newspaper article critical of Sloo's father. The father had been running for a minor office and was a friend of Lincoln's. He wrote Lincoln to ask for help in his son's defense. Lincoln could not go, but he recommended the lawyer who had successfully defended Wyant. Sloo, too, was found not guilty by reason of insanity.

There may well have been other instances of Lincoln's involvement with the insanity defense, but the lack of a definitive edition of Lincoln's legal papers makes it impossible to tell. By examining the statements of the state supreme court in the period, however, one can gain an appreciation for the reasonable nature of the use of the insanity defense in Lincoln's Illinois.

On July 18, 1859, Wesley B. Fisher murdered his wife Clarissa, apparently in LaSalle, Illinois. In the ensuing trial, the attempt by defendant's counsel to prove his wife's infidelity was forbidden on objection from the prosecutor. When the defense "offered in evidence Chitty's Medical Jurisprudence, Shelford on Lunacy, Beck's Medical Jurisprudence, Taylor's Medical Jurisprudence, and Wharton's Medical Jurisprudence, for the purpose of throwing light on the indications or symptoms of insanity" in Fisher's case, the court refused to admit them in evidence.

In its instructions to the jury, the court stated:

The law presumes every man to be sane until the contrary is shown, and when insanity is set up as a defense, by a person accused of crime, the jury should be satisfied, from all of the proofs in the case, that at the time of the commission of the crime his mind was so far affected with insanity as to

render him incapable of distinguishing between right and wrong, in respect to the killing, or if he were conscious of the act he was doing, and knew its consequences, he was, in consequence of his insanity, wrought up to a frenzy which rendered him *unable* to control his actions or direct his movements.

There followed other controversial instructions which the Supreme Court was later to single out for special comment:

5th. In arriving at the conclusion whether the prisoner was sane or insane, at the time of the killing, the jury should begin with the presumption of the prisoner's sanity, and take into account all the evidence in the case of his previous history, habits and conduct, the circumstances immediately connected with the act of killing and his subsequent conduct and deportment, and unless the evidence preponderates in favor of his insanity at the time of the act, the jury cannot excuse the prisoner on the plea of insanity.

6th. Even if there should be evidence tending to show that the prisoner was insane, or affected with insanity previous to the act of killing, yet the question for the jury on this point is, whether he was insane at the time of the act complained of, and unless the jury are satisfied, from *all* the proof in the case, that the prisoner was insane *at the time of the act of killing*, they should not excuse him on that ground.

7th. Before the jury can be justified in rendering a verdict of acquittal on the ground of moral insanity, they must be satisfied by *clear* and *undoubted* proof that the accused was acting under an uncontrollable impulse, a frenzy which rendered him unable to control his actions or direct his movements, and not in a spirit of revenge for real or imagined wrong.

9th. The prosecution are not bound to prove that the defendant was sane at the time of the act complained of, and if the whole evidence in the case should leave it doubtful in the minds of the jury whether the prisoner was sane or insane at the time, they should not in that case excuse the prisoner on the ground of insanity.

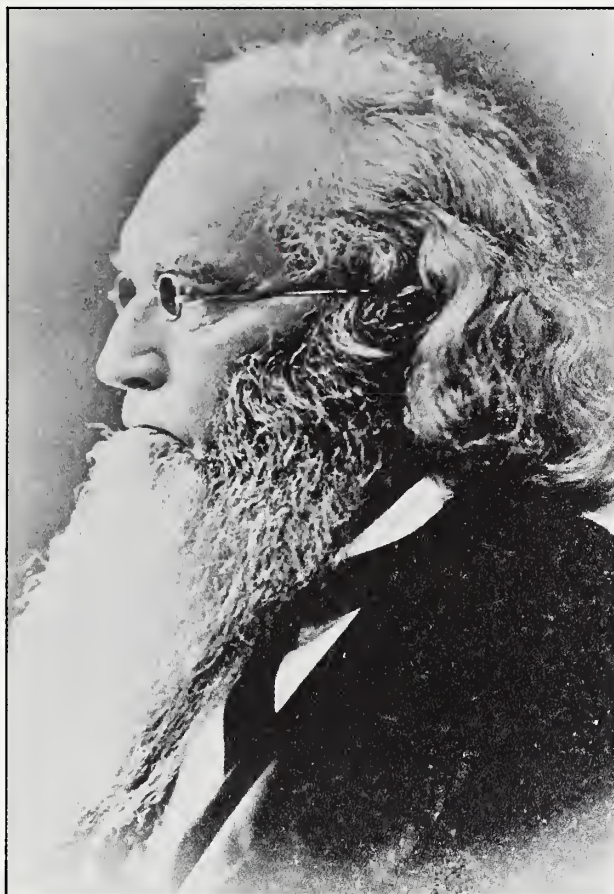
These instructions came very close to putting the burden of proof on the defendant.

The Fisher case was a remarkable one not only because of the court's controversial instructions to the jury but also because the defense attempted what might be called an "insanity mitigation" of the crime as well as a traditional insanity defense. Counsel for the defense asked the court to instruct the jury thus:

Although the prisoner may not have been so insane as to excuse him entirely, yet, in determining whether at the time of the killing he acted without deliberation, and under the influence of such a sudden and irresistible passion as would reduce the grade of the offense from murder to manslaughter, it is proper for the jury, if they believe that the same provocation would arouse such a sudden and irresistible passion in his mind, if so affected by jealousy, when it would not have aroused it if he had not been jealous, to take into consideration the fact, if proven, that he was jealous, in determining the degree and extent of the passion which existed at the time of the killing.

... Although the prisoner may not have been so insane as to excuse him entirely, yet in determining whether at the time of the killing he acted without deliberation, and under the influence of such a sudden and irresistible passion as would reduce the grade of the offense from murder to manslaughter, it is proper for the jury, if they believe that the same provocation would arouse such a sudden and irresistible passion in his mind, if so affected by drunkenness, when it would not have aroused it if he had not been affected with drunkenness, to take into consideration the fact, if proven, that he was affected with drunkenness, in determining the degree and extent of the passion which existed at the time of the killing.

The jury was perplexed by the complicated instructions and



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FIGURE 2. Sidney Breese.

asked for clarification from the court. One juror even asked whether it was "lawful for a jurymen to go behind our statute law and search the Bible to see whether our statute laws are not void in consequence of their disagreement with the higher law." The jury also wanted to know whether it was "lawful for a juror to go behind the testimony and read medical books to see whether the doctors and others examined on the trial testified correctly or not." The court directed the jury to be governed by Illinois's statutes and by the sworn testimony in the case, not by the Bible and medical books.

Further questions poured from the jury room. Could a jurymen "go behind the instructions of the court and search law books for the purpose of finding some error in said instructions"? No, responded the judge, "It is not the law that the jury can go outside of the case, as given to them by the testimony and the instructions of the court, and determine for themselves whether the law, as given to them, is or is not the law." In a final bizarre question, the foreman asked:

Is it lawful for a juror, after admitting the proof of every essential fact which constitutes a certain crime, to bring in a different verdict, because he, the said juror, does not approve of the penalty attached to the first.

If so, how long must we remain in this worse than purgatory, and be abused and villified by a fanatical madman. The court said no. The judge believed firmly that the jury "must take the instructions, as they receive them from the court, to be the law by which they are to be governed in the case."

After several days of deliberation, the foreman of the jury told the judge that there was little likelihood the jury would ever reach agreement and asked him to discharge them. The judge refused, saying "that before the next term of this court, the

witnesses may be in their graves, and justice may be cheated of its victim." Again, the defense objected, as it had to several of the judge's statements. The jury finally found Fisher guilty, and the defense appealed the verdict.

The Supreme Court entertained the idea of rejecting the verdict because of the "loose and disconnected manner" in which the record of the trial was made up but decided not to because the case involved the life of an individual. In the April term of the Supreme Court, 1860, Justice Sidney Breese delivered the court's opinion.

The Supreme Court found little fault with most of the instructions given to the jury or with the lower court's refusal to instruct the jury as the defense requested.

The jury [Breese wrote], in all cases where such a defense is interposed, should be distinctly told that every man is presumed to be sane, until the contrary is shown — that is his normal condition. Before such a plea can be allowed to prevail, satisfactory evidence should be offered that the accused, in the language of the criminal code, was "affected with insanity," and at the time he committed the act, was incapable of appreciating its enormity. This rule is founded in long experience, and is essential to the safety of the citizen. Sanity being the normal condition, it must be shown, by sufficient proof, that from some cause, it has ceased to be the condition of the accused.

The Supreme Court thus appeared to endorse the idea that the burden of proof was on the defendant who used the insanity defense.

With one of the lower court's instructions, however, Justice Breese took sharp exception:

Section 188 of the criminal code, (Scates' Comp. 408,) declares in the most pointed and emphatic language, that "Juries, in all cases, shall be judges of the law and the fact." This power is conferred in the most unqualified terms, and has no limits which we can assign to it. We have said, in the case of *Schneir v. The People*, ante, p. 17, that, being judges of the law and the fact, they are not bound by the law, as given to them by the court, but can assume the responsibility of deciding, each juror for himself, what the law is. If they can say, upon their oaths, that they know the law better than the court, they have the power so to do. If they are prepared to say the law is different from what it is declared to be by the court, they have a perfect legal right to say so, and find the verdict according to their own notions of the law. It is a matter between their consciences and their God, with which no power can interfere. There can be no apprehension of oppression to the citizen in so looping this power, for an erroneous decision of the jury against a prisoner can be corrected by the power remaining in the court to award a new trial. The jury were not bound to take the law as "laid down" to them by the court, but had the undoubted right to decide it for themselves, and in refusing so to declare, the court erred.

Justice Breese also thought that the instruction requested by the defense which might have reduced the crime to manslaughter should have been given to the jury.

Thus Illinois's highest tribunal was quite willing to admit a consideration which had a tendency to "psychologize the crime away," as the modern saying goes. On the other hand, it appeared to place the burden of proof in a case involving the insanity defense on the defendant.

The Supreme Court of Illinois clarified their views on the tangled question of the insanity defense in a decision handed down while Lincoln was President. In *Hopps v. The People*, decided in the court's April term in 1863, Justice Breese himself altered what he seemed to have said in the Fisher case, stating flatly and clearly: "When a defendant who is being tried upon a criminal charge, sets up insanity as an excuse for the act, he does not thereby assume the burthen of proof upon that question. Such a defense is only a denial of one of the essential allegations against him." He added, tellingly: "And in sustain-

ing such a defense, it is not necessary that the insanity of the accused be established even by a preponderance of proof; but if, upon the whole evidence, the jury entertain a reasonable doubt of his sanity, they must acquit." Breese frankly acknowledged the error in his previous decision:

The rule here announced, differs from that laid down in *Fisher's case*, 23 Ill. 293. In that case we said, sanity being the normal condition, it must be shown by sufficient proof, that from some cause, it has ceased to be the condition of the accused. The opinion in that case, was prepared under peculiar circumstances not admitting of much deliberation, and this point was not pressed upon the attention of the court, or argued at length. Further reflection has satisfied us, it was too broadly laid down, and that justice and humanity demand, the jury should be satisfied, beyond a reasonable, well-founded doubt, of the sanity of the accused. The human mind revolts at the idea of executing a person whose guilt is not proved, a well-founded doubt of his sanity being entertained by the jury.

Chief Justice John Dean Caton filed a separate opinion, upholding the same point. "Is it any less revolting," he asked, "to an enlightened humanity to hang an innocent crazy man than one who is sane?" The "all-pervading sentiment of civilized man" demanded the "general rule in all criminal trials, that if, from the whole evidence, the jury entertain a reasonable doubt, it is their duty to acquit; and the reason is, that it is better that many guilty persons should be acquitted, than that one innocent person should be convicted."

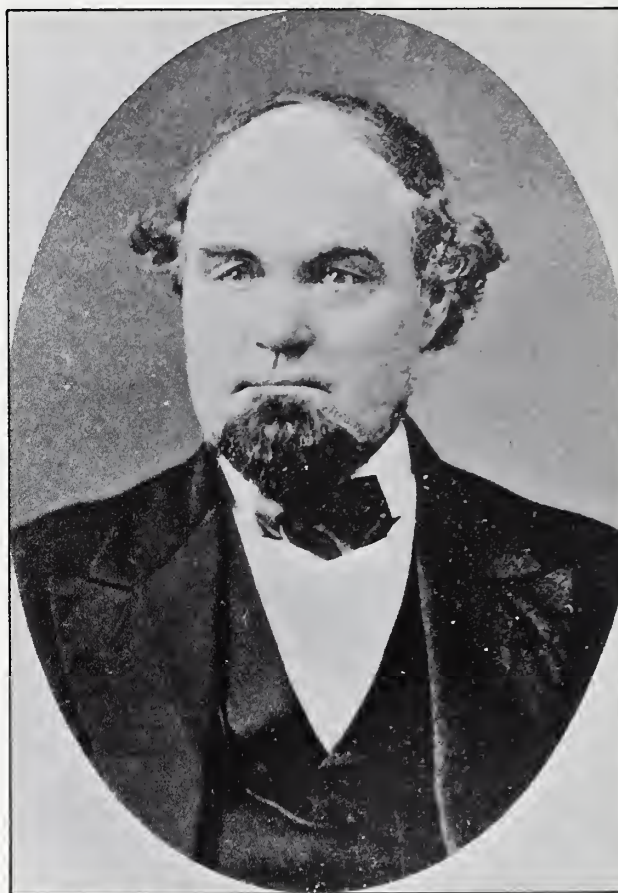
Justice Pinkney H. Walker filed a partially dissenting opinion. "The plea of insanity," he argued, "like all other special pleas, confesses the act charged and avoids its consequences, by showing circumstances which establish a defense." It seemed logical that "the proof must devolve upon the party interposing the defense." Reasonable doubt of the defendant's sanity was not enough to cause acquittal. The rule announced in the *Fisher* case, though "not the uniform rule of the American courts," was the rule of "a large majority" of them, Walker said. It was a rule "well calculated to protect community against the perpetration of crime."

Caton and Breese represented the majority of the court, and the verdict in the Hopps case was reversed (Hopps had murdered his wife and had been found guilty).

Over a hundred years ago, Illinois law upheld the insanity defense. After an awkward start, its highest tribunal ruled that the burden of proof was on the prosecution and that a reasonable doubt of the defendant's sanity dictated an acquittal. "Sanity is guilt," said Justice Breese, "insanity is innocence; therefore, a reasonable doubt of the sanity of the accused, on the long and well-recognized principles of the common law, must acquit." Lincoln's was not a simpler era because it was an earlier era. The judges and lawyers faced the same difficulties that modern judges and lawyers do: conflicting testimony from expert medical witnesses, considerable disagreement among medical authorities who wrote on insanity, awareness that defendants could "possum" insanity, and the all-important necessity to balance the safety of the community against the sanctity of an individual's life and liberty.

Breese admitted that writers on the subject "furnish, as yet, no true and safe guide for courts and juries." Pinkney Walker knew "that there are few questions which present greater difficulties in their solution, than this of insanity. It assumes such a variety of forms, . . . that it has almost been denied, that any person is perfectly sane, on every subject." In a hotly contested case, one Justice noted, "One of the physicians, . . . states that, from complainant's evidence, he thinks it difficult to tell whether Waggoner was sane or insane. . . . The other physician gives it, as his opinion, that he was insane." Caton knew that "insanity may be simulated," but "So may any other fictitious defense be got up to screen the guilty." None of these difficulties challenged the place of the insanity defense as far as Illinois's greatest lawyers in Lincoln's era were concerned.

They were aware, of course, that they dealt with a "science"



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FIGURE 3. Pinkney H. Walker.

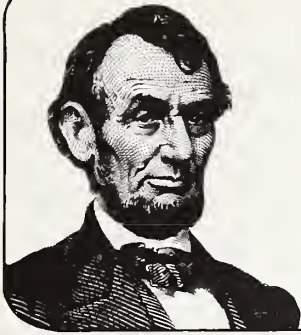
as yet in its infancy. "To say that men by careful study and investigation," Caton argued, "can acquire no skill on this subject, while the same study and investigation will constantly develop new truths on all other subjects, would be a daring assumption upon which we cannot consent to hang a fellow man." Breese, too, upheld the insanity defense even though he knew that science as yet offered "no true and safe guide for courts and juries." He hoped that someday a rule would be established which, "whilst it shall throw around these poor unfortunates a sufficient shield, shall, at the same time, place no great interest of community in jeopardy."

That day never came — all the more reason that modern Americans should look to the past for guidance when examining the fundamental parts of their legal system.

JAMES ANTHONY MUDD

Dr. Richard Mudd, who watches out for the reputations of his ancestors, noted that the James Mudd referred to in *Lincoln Lore* Number 1721 must have been James Anthony Mudd, Dr. Samuel A. Mudd's older brother. "Jim" Mudd was born in Bryantown, Maryland, in 1829. He lived in or near Bryantown most of his life, moving to Baltimore in the 1880s. During the Civil War, he was a farmer. He was drafted, but his family paid for a substitute.

Richard Mudd's useful book, *The Mudd Family of the United States*, does not mention James Mudd's pro-Confederate activities, but the doctor assures us that he learned about them too late to include mention in the first edition of his book. "Jim" Mudd's wife, Emily, testified in Dr. Samuel A. Mudd's behalf at the trial of the alleged conspirators in Abraham Lincoln's assassination.



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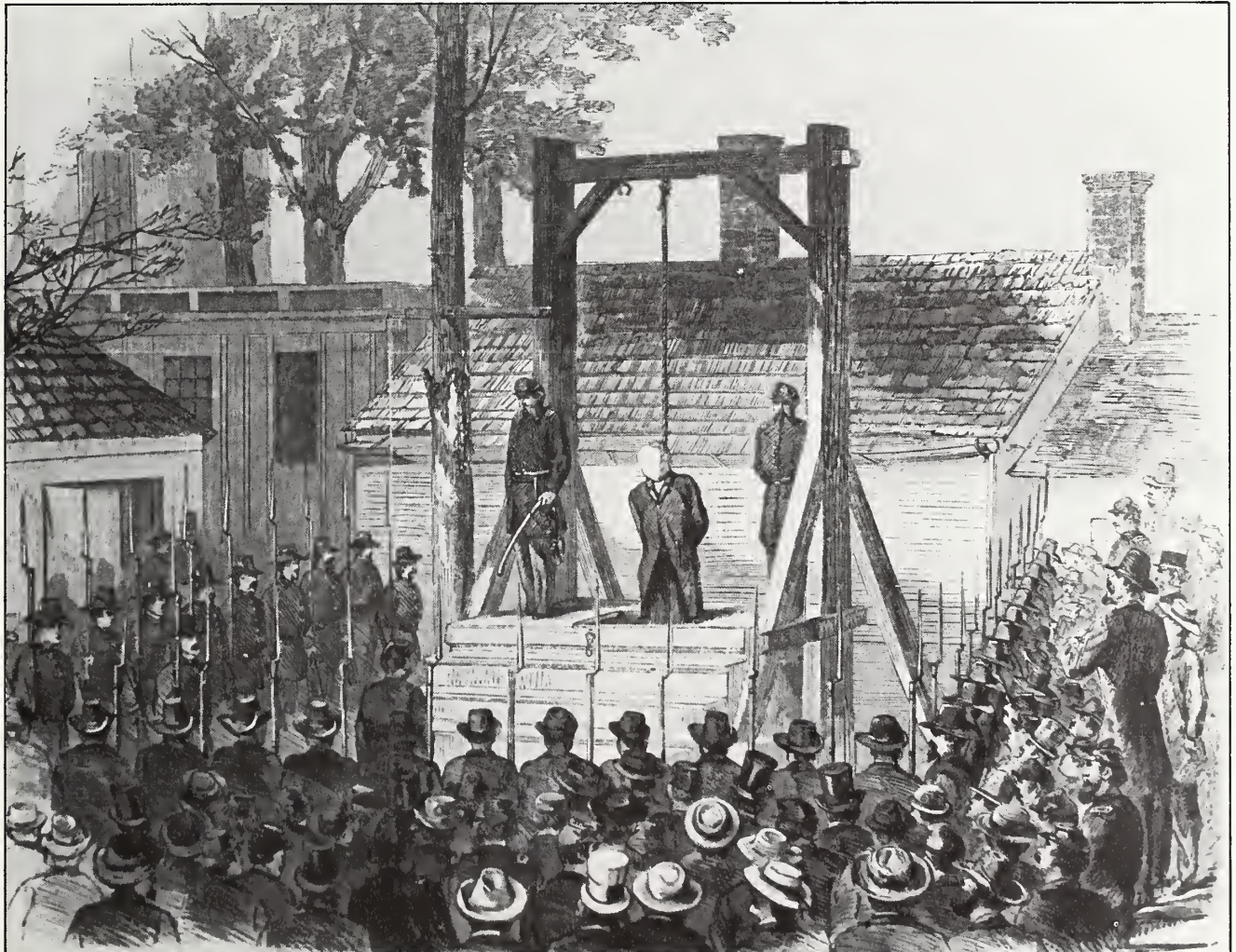
President Lincoln and the Insanity Defense

The preceding issue of *Lincoln Lore* showed that Abraham Lincoln, as a lawyer in Illinois, was quite familiar with the insanity defense. He lost the Wyant case when Leonard Swett successfully invoked the insanity defense for his client, and he soon thereafter recommended Swett to a friend in need of a lawyer to argue the insanity defense for his son.

When he became President of the United States, Lincoln did not leave such criminal matters behind him and devote his energies entirely to war and emancipation. Criminal justice was still an occasional concern for Lincoln because of the President's pardoning power. In such cases as came to his attention as President, Lincoln carefully saw to it that

defendants of questionable mental health were provided the opportunity to prove that their mental condition absolved them of responsibility for their crimes.

On August 3, 1863, Lincoln wrote Major General John G. Foster at Fort Monroe, Virginia, instructing him to send him the transcript of the trial of Dr. David M. Wright, if the doctor "has been, or shall be convicted." Within the week, Lincoln received a letter from Senator Lemuel J. Bowden, representing the loyal government of Virginia, asking the President to let him know when the transcript was received. Bowden wanted Lincoln then to fix a day when he and other Virginians "may appear before you and present the mass of testimony which has



From the Louis A. Warren
Lincoln Library and Museum

FIGURE 1. Hangings of civilians sentenced to death by military commissions were not uncommon in slave states.

been taken to prove the insanity of Doctor Wright, and also to present such statements in regard to the manner of conducting his trial, and to the facilities afforded him for making anything like a fair defense, as the facts of the case will justify." On the 28th Lincoln was "ready to hear them."

The gentlemen from Virginia apparently came to Washington right away, and what they told Lincoln must have been something like this. David M. Wright was a respected physician who had practiced in Norfolk, Virginia, since 1854. Born in North Carolina, he was a medical graduate from the University of Pennsylvania. He had a son in the Confederate service from whom he had not heard since the Battle of Gettysburg, July 1-3, 1863. On July 11th at 4:00 in the afternoon, Dr. Wright encountered Lieutenant Anson L. Sanborn on Main Street in Norfolk. The lieutenant was marching at the head of a column of the First U.S. Colored Volunteers. Wright ran to his home, got a pistol, and insulted the lieutenant. Sanborn declared the doctor under arrest, and Wright shot him twice at point-blank range. Sanborn died and the provost marshal arrested Wright. He was tried by a military commission which refused to allow an insanity defense, despite evidence that Dr. Wright was noted for giving very peculiar prescriptions for his patients, that he was under the strain of worry about his son, and that his very moderate political views were inadequate to account for his sudden decision to murder the leader of some black troops in Virginia. The commission convicted him of murder and sentenced him to hang.

President Lincoln was not about to condone an execution prescribed by a military commission which followed no prescribed laws and which denied the defendant one of the standard protections of the law. He thought immediately of getting Dr. Charles H. Nichols of the Government Asylum for the Insane, in Washington, to review the case, but Secretary of State William H. Seward informed the President on September 2nd that Nichols's "surroundings are so disloyal as to shake public confidence in himself." Seward recommended Dr. John P. Gray of Utica, New York, instead.

William H. Seward had a commendable record on issues involving insanity. As early as 1843, his interest in the plight of the insane was well enough known that Dorothea Lynde Dix, the famous reformer, came to Auburn, New York, Seward's home town, to seek advice on her campaign to improve the treatment of the mentally ill. In 1846 he defended Henry Wyatt, a Negro accused of murder, on the grounds that he was insane. He lost the case, and Wyatt was sentenced to hang. He also defended a more sensational murderer, William Freeman, also a Negro, who slayed four people in an innocent farmer's home in 1846. Seward also invoked the insanity defense in this case, and he and the opposing counsel, Democratic politician John Van Buren (son of the President), called numerous doctors to testify. The jury found Freeman guilty. The New York Supreme Court later overturned both verdicts.

Dr. John P. Gray was one of the most eminent specialists in mental medicine in the country. Seward knew him as the Superintendent of the Utica State Asylum and consultant to the state asylum for the criminally insane in Auburn, but he was also editor of the *American Journal of Insanity*, the official organ of the nineteenth-century equivalent of the American Psychiatric Association. He frequently testified in trials involving persons who claimed to be insane.

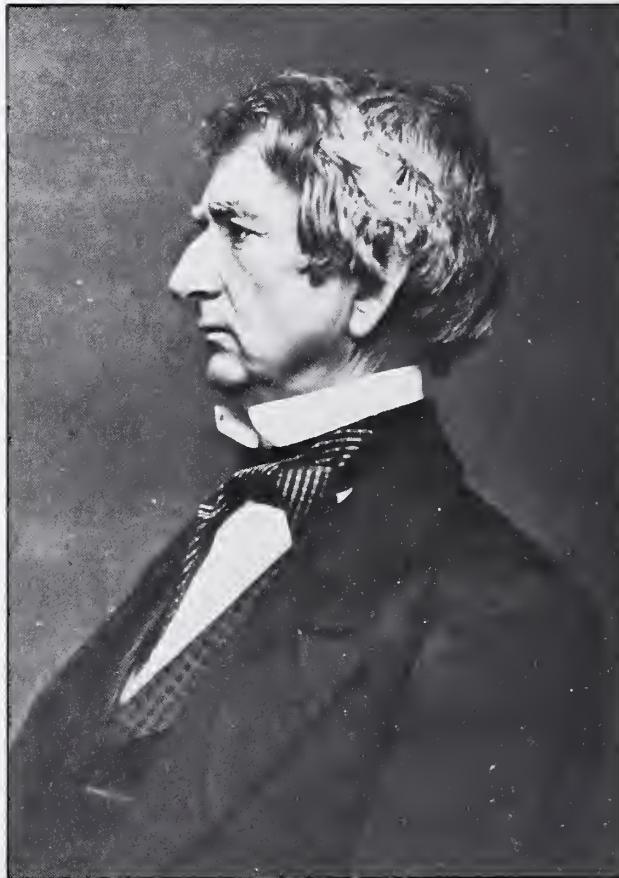
On September 10th President Lincoln assigned Dr. Gray his duties in the Wright case. The doctor was to go to Fort Monroe "and take in writing all evidence which may be offered on behalf of Dr. Wright and against him, and any, in addition, which you may find within your reach, and deem pertinent; all said evidence to be directed to the question of Dr. Wright's sanity or insanity, and not to any other questions; you to preside, with power to exclude evidence which shall appear to you clearly not pertinent to the question." The key phrase may well have been "you to preside"; Lincoln was giving this case strictly a civilian review. He did not want to follow the rules of a military commission. The commanding officer at Fort Monroe was to have an officer present to act "as Judge Advocate or Prosecuting Attorney," but otherwise he was to assist Gray

and be sure to notify Senator Bowden or one of his Virginia associates.

Dr. Gray called thirteen witnesses for Wright and thirteen for the government, and he interviewed Dr. Wright for about two hours. He learned a great deal about this curious murderer. As a boy, Wright had had a horror of blood and could not shoot birds; yet he became a physician. Early in his life, he had rather Northern ideas about slavery, especially for a man born and raised in North Carolina. He owned a few slaves himself but allowed them to select new masters and sold all of them.

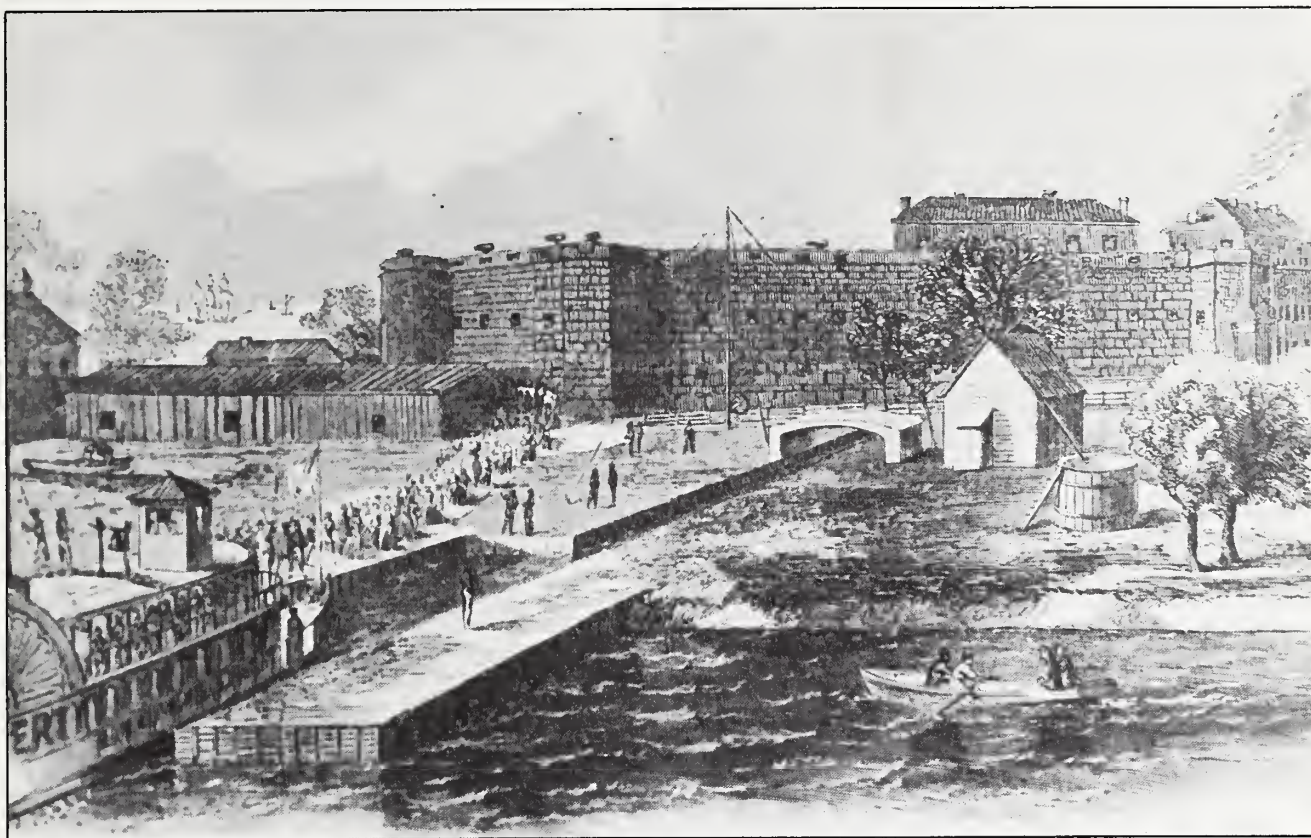
Later, Dr. Wright changed his mind, deciding that slavery was in accordance with the scriptures and best suited the true welfare of the black race. He had Negro servants by the time of the Civil War and a farm in North Carolina which was worked by slaves. He was consistently kind to his servants. When, because of the proximity of Federal troops, most servants were leaving their masters, Dr. Wright called his together, told them he could not really blame them for wanting to leave, and said that any who did not fare well on their own could come back to him. He had an agent give his superannuated housekeeper meat twice a week until she could maintain herself financially. His slaves in North Carolina chose to remain on the plantation as slaves.

In politics, Dr. Wright had been a Whig and was thought of in the 1850s as a Union man. Gradually he became more Southern in feeling and eventually voted for Virginia's secession, claiming that the act would save the Union by restoring it to its proper basis. When the Yankees took Norfolk, he counselled "dignified non-intercourse, and abstaining from all violence." He kept at his practice and showed no particular animosity toward black soldiers, though he thought arming the Negroes a great wrong.



From the Louis A. Warren
Lincoln Library and Museum

FIGURE 2. William H. Seward was among the most celebrated lawyers of Lincoln's day. His defenses of black clients should be famous not only for the color of the client but also for the use of the insanity defense.



*From the Louis A. Warren
Lincoln Library and Museum*

FIGURE 3. Fort Delaware was one of the infamous “Bastilles of the North.” Along with the occasional newspaper editors and Democratic politicians, they usually contained deserters, spies, blockade runners, and a few lunatics.

Dr. Wright had been on the way home to prepare for his daily patient visitation when he saw Lieutenant Sanborn and his black soldiers. He was seized with an “uncontrollable impulse” to kill Sanborn. After the deed was done, Dr. Wright attempted to help Sanborn medically and apparently expressed a wish that the soldiers would bayonet him for his deed.

Wright was not a church member, but he had long read prayers to his family. After his incarceration, he was baptised and received in the church.

Dr. Gray decided that Wright may have acted under an “uncontrollable” impulse but not under an insane impulse. He noted that a government chemist found nothing bizarre about the doctor’s prescriptions. Gray cited the facts that Wright had no hallucinations and no previous symptoms of insanity as evidence that the murder was a deliberate act. And Dr. Gray stated flatly that latent insanity which suddenly appears does not disappear immediately after the first insane act. Dr. Wright had appeared perfectly sane in his interview with Gray and throughout his confinement after the crime.

On October 23, 1863, David M. Wright was hanged. President Lincoln had done all he could.

It was not the last time Lincoln would consult Dr. Gray. On March 7, 1864, the President received the papers on the court martial of Lorenzo C. Stewart (alias Shear), a private in the Fourteenth New York Artillery. Stewart had been convicted of desertion and murder (poisoning soldiers). Lincoln asked Judge Advocate General Joseph Holt for a report on the case and on April 14th approved the execution, which was to occur on the 22nd. A petition for clemency from citizens of Elmira, New York, was apparently received in Washington on the 14th. It must have alleged insanity as a mitigating factor, and Lincoln apparently postponed the execution. On the 25th he wrote Dr. Gray again.

President Lincoln gave Gray precisely the same instructions

he had given in the previous case. The result for Private Stewart was different, however. On January 25, 1865, Lincoln commuted his sentence to imprisonment in the penitentiary at hard labor for ten years.

On his last birthday, President Lincoln again considered insanity as a mitigating factor in the case of a man sentenced by court martial, or, more likely, military commission. Dr. Edward Worrell, a citizen of Delaware, had been sentenced to imprisonment for one year for aiding a prisoner to escape from Fort Delaware, one of the notorious “Bastilles of the North.” The records are fragmentary, but, apparently, on evidence presented by Judge George P. Fisher that Dr. Worrell was “partially insane,” Lincoln had him discharged from Fort Delaware.

Abraham Lincoln was a good lawyer and a humane man, but he was not a philosopher of jurisprudence. He sought justice in the practical ways defined by existing laws. The insanity defense was a part of the legal system within which he practiced as an attorney and which he administered as President. With considerable vagueness and without, as yet, a great deal of philosophical exegesis, that legal system recognized the injustice, as William H. Seward put it in his rare eloquence in defense of William Freeman, “of trying a maniac as a malefactor.” Lincoln, as his law partner William H. Herndon recalled, “was a very patient man generally, but if you wished to be cut off at the knee, just go at Lincoln with abstractions, glittering generalities, indefiniteness, mistiness of idea or expression.” He “never undertook to fathom the intricacies of psychology,” and applied “his powers in the field of the practical.” Common sense told him that insane acts were innocent acts. As a lawyer he embraced the insanity defense when it seemed proper. He had more power as President, and he supplied an insanity defense when courts failed to. There was no other way to serve the cause of justice properly.

CUMULATIVE BIBLIOGRAPHY 1981-1982

by Mary Jane Hubler

Selections approved by a Bibliography Committee consisting of the following members: Dr. Kenneth A. Bernard, 50 Chatham Road, Harwich Center, Mass.; Arnold Gates, 168 Weyford Terrace, Garden City, N.Y.; Carl Haverlin, 8619 Louise Avenue, Northridge, California; James T. Hickey, Illinois State Historical Library, Old State Capitol, Springfield, Illinois; Ralph G. Newman, 175 E. Delaware Place, 5112, Chicago, Illinois; Lloyd Ostendorf, 225 Lookout Drive, Dayton, Ohio; Hon. Fred Schwengel, 200 Maryland Avenue, N.E., Washington, D.C.; Dr. Wayne C. Temple, 1121 S. 4th Street Court, Springfield, Illinois. New items available for consideration may be sent to the above persons or the Louis A. Warren Lincoln Library and Museum.

1981

COX, LaWANDA

Lincoln and Black Freedom: A Study in Presidential Leadership/by LaWanda Cox/(Device)/University of South Carolina Press/[Copyright 1981 by the University of South Carolina. Published in Columbia, South Carolina, by the University of South Carolina Press. First edition.]

Book, cloth, 9 1/4" x 6 3/16", xiii p., 254 (5) pp., price, \$17.95.

LINCOLN MEMORIAL UNIVERSITY

Lincoln Memorial University Press/(Device)/Winter 1981/Vol. 84, No. 3/Lincoln Herald/A Magazine devoted to historical/research in the field of Lincolniana and/the Civil War, and to the promotion/of Lincoln Ideals in American/Education./[Harrogate, Tenn.]

Pamphlet, flexible boards, 10 1/16" x 7 1/8", 757-822 (2) pp., illus., price per single issue, \$5.00.

1982

ANDERSON, DWIGHT G.

1982-1

Abraham Lincoln/The Quest for Immortality/by/Dwight G. Anderson/(Device)/Alfred A. Knopf/New York 1982/[Copyright 1982 by Dwight G. Anderson. All rights reserved under International and Pan-American Copyright Conventions. First edition.]

Book, cloth and hardboards, 8 5/8" x 5 7/8", viii p., 271 (9) pp., price, \$16.95.

BURGESS,**LARRY E., DR.**

1982-2

The Lincoln Memorial Shrine/Golden Jubilee: / History Looking To Future / By Dr. Larry E. Burgess, Archivist/Head Of Special Collections/A.K. Smiley Public Library/Redlands, California/(Illustration)/The Lincoln Memorial Shrine as it appeared shortly after its dedication,/February 1932. Note the absence of the later "fountain wings." / Photo by Floyd Faxon / February 7, 1982 / A Keepsake / Lincoln Memorial Shrine / Redlands, California/(Cover title)/[Printed at the Beacon Printery, Redlands, California.]

Pamphlet, paper, 8 1/2" x 5 7/16", 12 pp., printing on outside back cover. Copy No. 421 of limited edition of 500 copies.

DANIEL F. KELLEHER CO., INC.

1982-3

553rd Sale/Photos March 11, 1982/Autograph Letters, Documents And Signed Photos/Featuring Abraham Lincoln/(Illustration featuring four Abraham Lincoln signed carte-de-visite photographs)/Daniel F. Kelleher Co., Inc./(Cover title)/[Published by Daniel F. Kelleher Co., Inc., Stanley J. Richmond, Prop., Boston, Massachusetts 02109.]

Book, paper, 9 3/8" x 6 1/2", 94 (1) pp., illus., entire contents are illustrated, featuring 151 special sale items of 345 sale items from the collection of George Pollock, Beverly Hills, California.

DANIEL F. KELLEHER CO., INC.

1982-4

553rd Sale/March 11, 1982/Autograph Letters, Documents And Signed Photos/Featuring Abraham Lincoln/(Illustration featuring four Abraham Lincoln signed carte-de-visite photographs)/Daniel F. Kelleher Co., Inc./(Cover title)/[Published by Daniel F. Kelleher Co., Inc., Stanley J. Richmond, Prop.,

1981-20

Boston, Massachusetts 02109.]

Pamphlet, paper, 9 7/16" x 6 5/8", 40 pp., entire text contains descriptive data on 345 sale items and suggested price listings along with information on the auction and bid sheets from the collection of George Pollock, Beverly Hills, California.

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Living history hassles at New Salem P. 3/Robert Lincoln and the plot to steal Abe's bones P. 6/Why the Lincoln Home area is like a model train set P. 13/February 11-17, 1982/Vol. 7, No. 22/Illinois/Times/Downstate Illinois' Weekly Newspaper/Looking at the Legacy/Our annual Lincoln issue/(Illustration)/(Cover title)/[Copyright 1981 by Illinois Times, Inc. All rights reserved. Reproduction in any form without permission is prohibited.]

Pamphlet, paper, 15" x 11 1/4", 27 (1) pp., illus., price, \$0.25.

ILLINOIS STATE HISTORICAL LIBRARY

1982-6

Illinois/History/Volume 35/Number 5/February 1982/Abraham Lincoln/(Illustration)/Preparing for Politics in/New Salem — Support from/the Press — Lincoln's Use/of Power — Abraham Lincoln/as a Congressman — Guests/at Ford's Theatre — Duel/with James Shields — The/Stuart-Lincoln Law Firm/Lincoln and the Slavery Issue/(Cover

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Pamphlet, flexible boards, 9 15/16" x 7 1/4", 100-119 (1) pp., illus., price, 25¢.

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Pamphlet, paper, 8 1/2" x 5 1/2", (4) pp.

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1982-8

(Portrait)/Mister Lincoln/A drama in two acts/By Herbert Mitgang/Southern Illinois University Press / Carbondale and Edwardsville / [Copyright 1982 by Herbert Mitgang. All rights reserved. No part of this book may be reproduced in any form or by any means...without permission in writing from the copyright owner.]

Brochure, cloth, 8 1/4" x 6 1/8", x p., 52 (2) pp., price, \$7.50.

NEELY,**MARK E., JR.**

1982-9

The/Abraham Lincoln/Encyclopedia/Mark E. Neely, Jr./McGraw-Hill Book Company/New York St. Louis San Fran-

cisco Auckland/Bogota Hamburg Johannesburg London/Madrid Mexico Montreal New Delhi/Panama Sao Paulo Singapore/Sydney Tokyo Toronto/[Copyright 1982 by McGraw-Hill, Inc. All rights reserved. Except as permitted under the Copyright Act of 1976, no part of this publication may be reproduced or distributed in any form or by any means, ... without the prior written permission of the publisher. Published by McGraw-Hill Book Company, New York, New York. First edition.]

Book, cloth, 11 1/4" x 8 5/8", xii p., 356 pp., illus., price, \$45.00. Autographed copy by author.


STROZIER, CHARLES B.

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Lincoln's/Quest/For Union/Public and/Private Meanings/Charles B. Strozier/Basic Books, Inc., Publishers/New York/[Copyright 1982 by Basic Books, Inc. Designed by Vincent Torre.]

Book, cloth, 9 7/16" x 6 1/4", xxiii p., 271 (6) pp., illus., price, \$17.50.



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Friday, September 30, 2005

Work to start on Lincoln statue

By Karen Walters

pontiac@pantagraph.com

PONTIAC -- In less than a year, Abraham Lincoln will be standing on the Livingston County Courthouse lawn.

Sculptor Rick Harney and The Lincoln Statue committee announced Wednesday that work would begin on the life-sized statue of the former president in the next week and they expect the statue to be on the lawn by June.

The committee has raised more than half of the \$45,000 needed to construct the statue. The statue will depict Lincoln leaning against a split rail fence. Fund-raising efforts will continue with the addition of bricks for sale, said group member Barb Sancken.

The statue will be located on the south side of the courthouse to the east side of the sidewalk. Previous plans had the statue on the east side of the courthouse.

Harney said he will start working on the actual statue Wednesday. He has already completed some preliminary work, including a small clay model and a working with a person and fence similar in size as the statue.

The group hopes the statue also will become a draw for tourists.

The committee gave Harney the money needed to start the project, which they hope to unveil during Harvest Days.

Bricks sold will be engraved and then used to create the walkway to the statue. The bricks range from \$100 to \$5,000. Those who have already donated more than \$100 will receive a brick.

The project began when Sancken told the Dialectic Society about Lincoln's time in Pontiac and Livingston County.

Harney created the Lincoln statue on the McLean County Museum of History, along with statues of Adlai Stevenson and Minor Myers Jr.

Lincoln traveled to Livingston County while he was a lawyer traveling the local circuit. When he was 31, he opposed Stephen A. Douglas in the first case tried in the county.

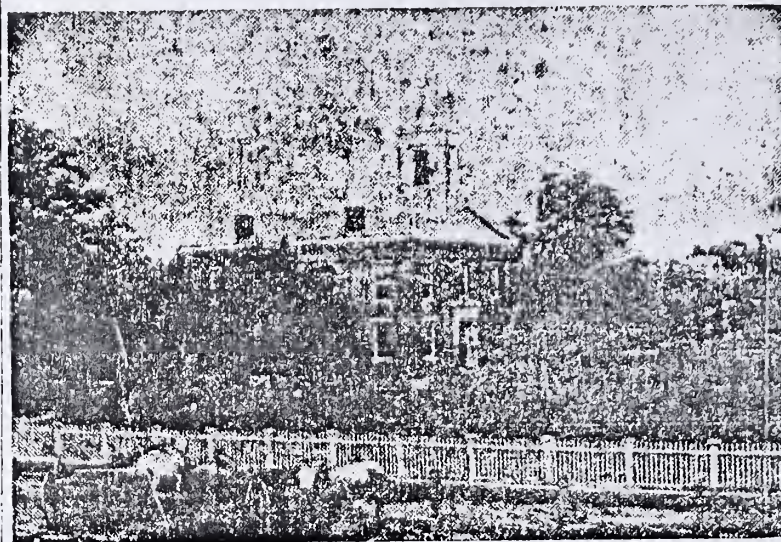
Lincoln spoke that the Pontiac Presbyterian church in 1860. He stayed at 401 W. Livingston St., a home that still stands today.

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10/3/2005



Court House at Petersburg, Menard County, the town which Lincoln laid out in 1836. Here Lincoln practiced law, and here he was nominated for Congress. in May of 1846.

STATE MOVES TO TAKE OVER LOGAN SHRINE

Mt. Pulaski Court House to Be Maintained as Lincoln Memorial

Plans for the state to take over the old Logan county court house at Mt. Pulaski as a Lincoln memorial are moving rapidly forward, Director Robert Kingery of the department of public works and buildings said today.

A committee of Mt. Pulaski citizens working for the project called on the director recently, bringing a petition signed by 75 percent of the voters of the town asking that every available means be taken to bring about completion of negotiations speedily. A copy has been presented to the Mt. Pulaski city council with the request that an ordinance authorizing the mayor, city clerk and other officials to relinquish all local claims be adopted.

Where Lincoln Practiced

The historic court house where Lincoln pleaded law cases in the old circuit days is now occupied by the post office, American Legion and other organizations. The Legion is prepared to move to new quarters at once and efforts are being made, Director Kingery said, to have the postal department sign a lease for a vacant store building in order that the post office may be moved.

A committee of Mt. Pulaski citizens will be named soon to have charge of gathering furniture used in Lincoln's day from various sources. Courtroom benches, desks and other equipment are stored about the county and city, it is believed, and their owners will be asked to turn them over to the state for placing in the historic building.

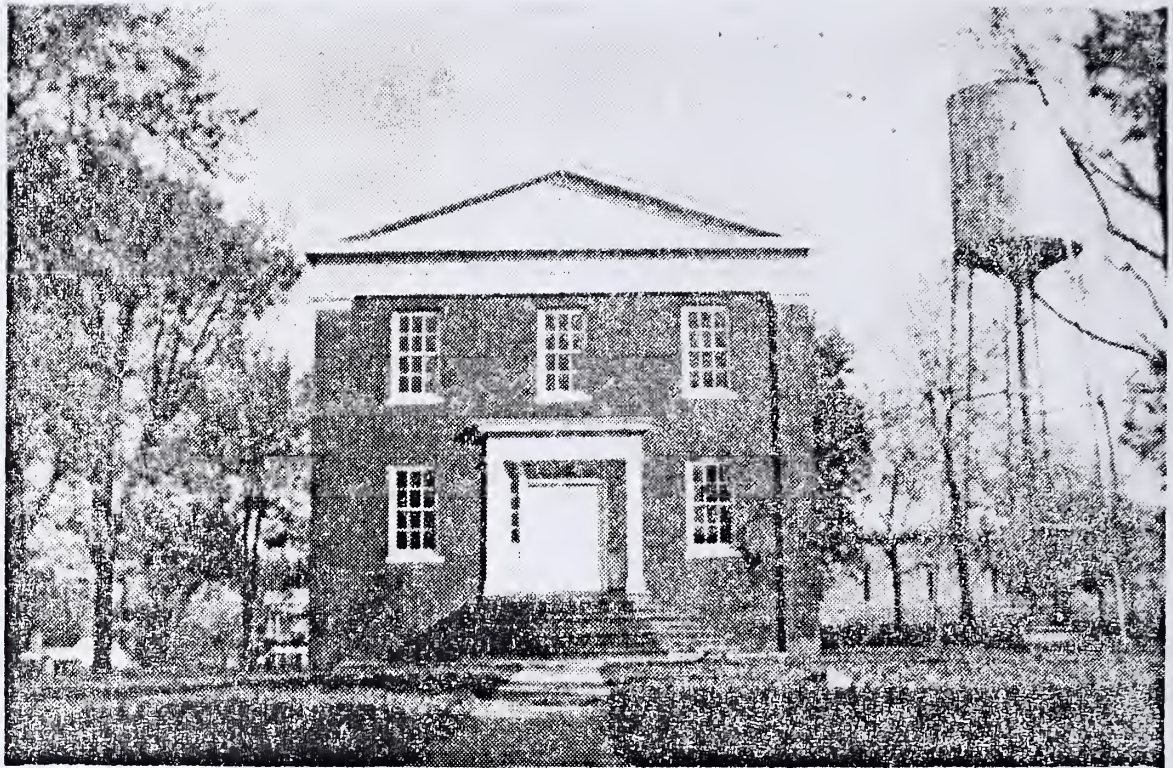
\$4,000 Needed

Director Kingery said about \$4,000 would be needed to restore the building to the condition it was in when Lincoln practiced there and that about \$1,000 a year would be required to maintain the place.

Records to affirm historical authenticity of the structure have been checked and every effort is being made to have the court house established as a state memorial by the time Mt. Pulaski celebrates its centennial anniversary in 1936. No serious objection to any contemplated move in connection with the transfer of ownership to the state has arisen.

If the project materializes it will give the state three memorials associated with Lincoln's forensic career. Woodford county court house at Metamora and the old state house at Vandalia are now maintained as Lincoln shrines.

Mt. Pulaski will retain possession of one corner of the square on which the water tower is located and will move its bandstand on this piece of ground.



late 19th century
TREE DEDICATION AT OLD LOGAN COURT HOUSE—The Mt. Pulaski Woman's club will dedicate and plant three red oak trees in ceremonies Friday in front of the restored Logan county court house, above, where Lincoln was counsel in many law cases. The trees came from New Salem where Lincoln spent his young manhood. Rep. Nicholas L. Hubbard of this city will speak. Governor Horner has been invited.



The LOGAN COUNTY COURTHOUSE was erected in 1840, and for seven years thereafter, Abraham Lincoln argued his cases here. The visitor is invariably inspired, as he stands within these walls which have been forever hallowed by the presence of the man who became the great emancipator. In October, 1929, Herbert Hoover, while he was President, lighted a fire in the fireplace in this room. It has been burning ever since.



24

COURT HOUSE. MT. PULASKI, ILL. In 1848, Mt. Pulaski became the county seat of Logan Co. and its old court house now used as the Post-office, is one of the most picturesque still standing.

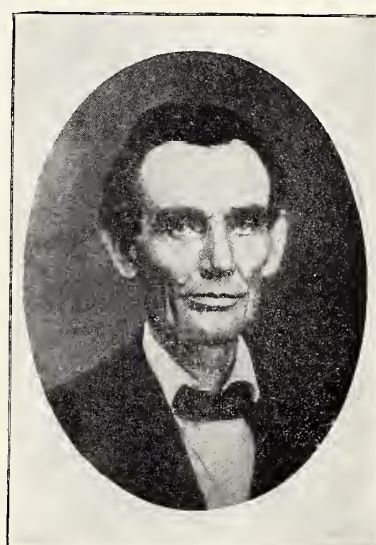
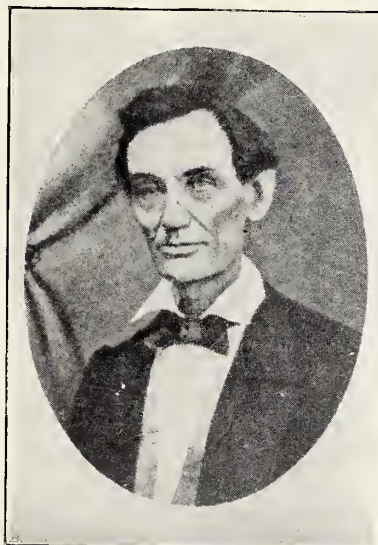
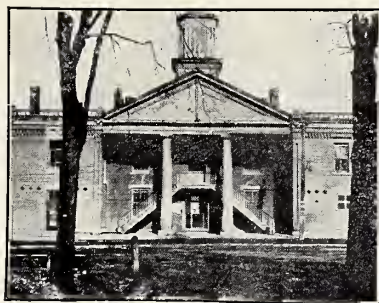


MT. PULASKI POST OFFICE, MT. PULASKI, ILL.



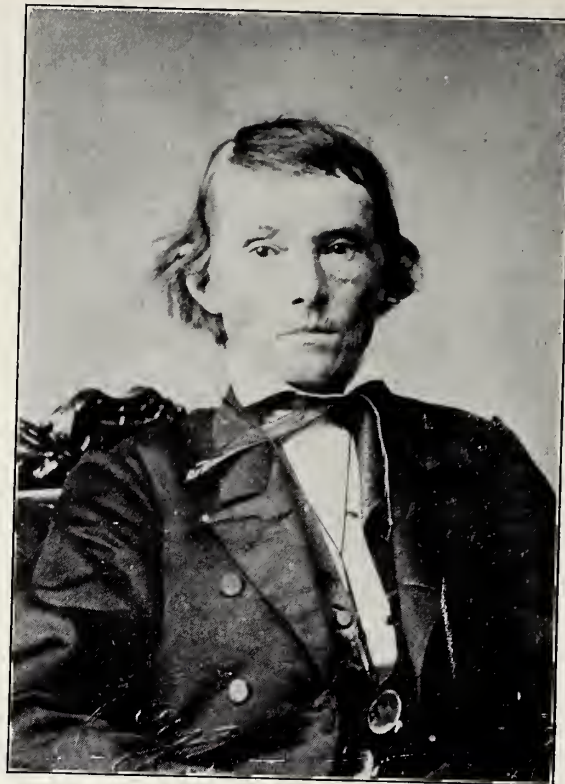
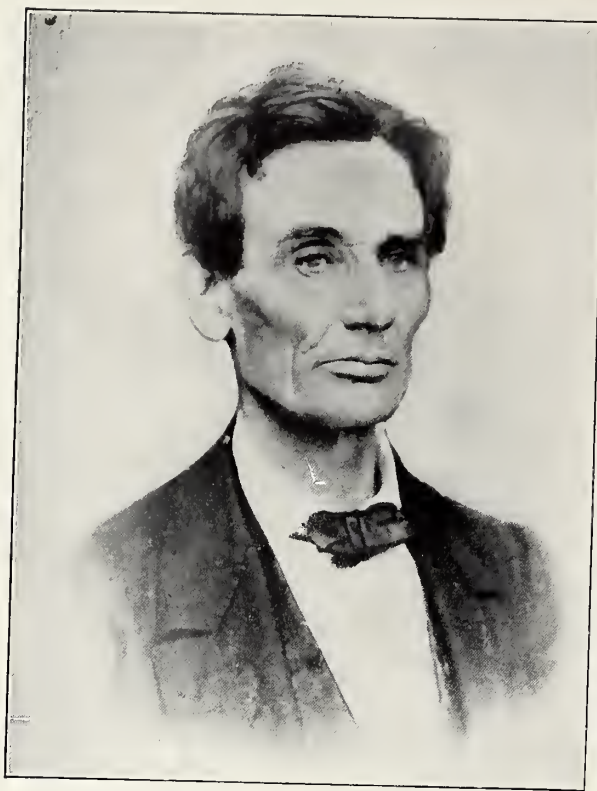
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The lawyer Abraham Lincoln (lower) and the Matamora Courthouse (upper left) and the Petersburg Courthouse (upper right).

Landburg 1-337 (over)



Abraham Lincoln of Illinois (left) and Alexander Stephens of Georgia (right). They were Whig congressmen together, and Lincoln once wrote Stephens, "This is the longest letter I ever wrote in my life." One weighed 180 pounds, the other 90 pounds. Jefferson Davis called Stephens "the little pale star from Georgia." See pages 377, 378.

25. LINCOLN CIRCUIT MARKERS. The Ill D.A.R. and the Ill. Bar Assoc. have erected a monument near the site of each of the court houses of the Circuit where Lincoln practiced. They were designed by Henry Bacon, the architect of the Lincoln Memorial at Washington. Wherever the road crossed a county line a marker has been erected with a relief bust of Lincoln by Lorado Taft. One of these markers is shown at the left in the picture. At the right is the monument at Monticello. See H.p.102, ~~NE~~.p.147.
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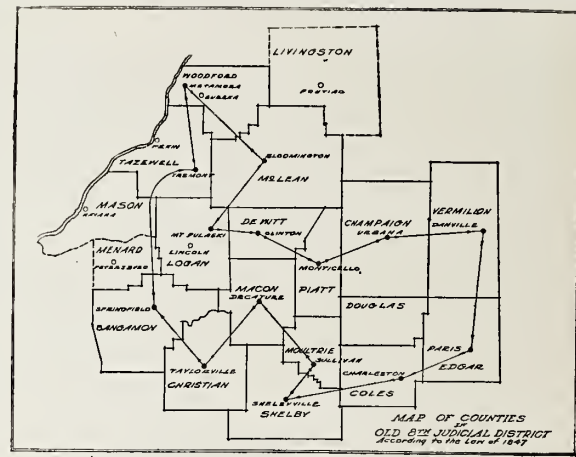


FACSIMILE OF MAP OF CIRCUIT WHICH LINCOLN TRAVELLED IN PRACTISING LAW.

Ordinarily judge and lawyer slept two in a bed, and three or four beds in a room. They ate at the common table with jurors, witnesses, prisoners out on bail, travelling peddlers,

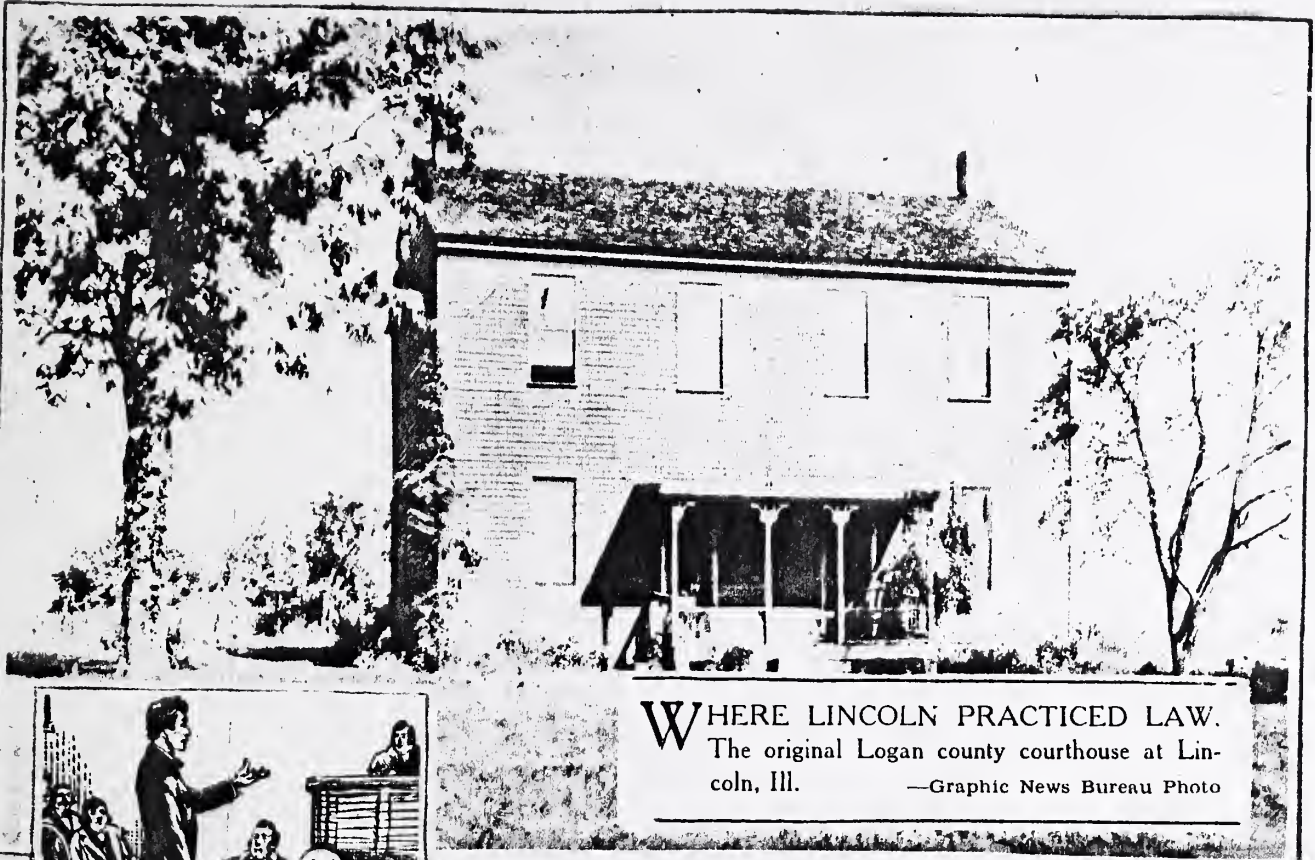
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THE EIGHTH JUDICIAL CIRCUIT WHICH LINCOLN TRAVELLED INCLUDED FIFTEEN COUNTIES. LINCOLN MARKERS HAVE BEEN OR WILL SOON BE PLACED IN THE COURT HOUSE SQUARES OF ALL THE COUNTY SEATS.

wall was chosen, and horizontally across it two lines were

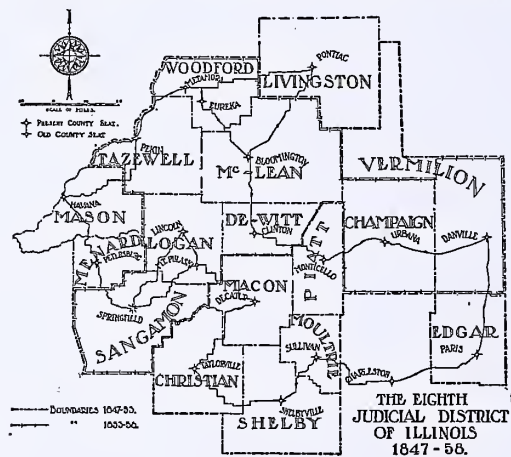


WHERE LINCOLN PRACTICED LAW.
The original Logan county courthouse at Lincoln, Ill.

—Graphic News Bureau Photo

CHAPTER XII
THE EIGHTH JUDICIAL DISTRICT
THE LINCOLN CIRCUIT

WHILE Springfield was Lincoln's home from 1837 until he left for Washington, he was for months each year practising in the various county-seat towns of the old Eighth Judicial District. Starting soon after



MAP OF THE LINCOLN CIRCUIT

his admission to the bar, he regularly made the rounds. At its greatest extent this district covered seventeen counties, but as it was constituted during the greater period of Lincoln's circuit-riding activity it included

In The Lincoln Country

141

building on many occasions. This old brick Greek Revival church, with recessed porch and stalwart Doric columns, stood at the southeast corner of Third and Washington Streets. Business buildings now occupy the site, but a tablet attached to the Washington Street façade indicates Lincoln's association therewith as follows:

1842 - 1861
SITE OF THE
FIRST PRESBYTERIAN CHURCH
IN WHICH
ABRAHAM LINCOLN
RENTED A PEW
1842 - 1861
AND WHERE THE FAMILY
ATTENDED SERVICE

There is a story current in Springfield to the effect that on the Sunday after his nomination, Mr. Lincoln, instead of strolling out with the boys, went to church with Mrs. Lincoln. When Tad missed his father he made a dash for the church and arrived, "disheveled, ungartered and very grimy," about the middle of the sermon. Mrs. Lincoln, elegantly attired, was visibly embarrassed, but the President calmly stretched out a long arm, gathering Tad into its shelter.

I do not know when the old First Presbyterian Church was dismantled but it was still standing as late as 1888. The present edifice stands but two squares from the Lincoln Home on the northwest corner of Seventh Street and Capitol Avenue. Near the front of the auditorium is the old Lincoln pew from the former church, appropriately decorated with American flags at either end.

TWO COURTHOUSES IN WHICH LINCOLN PRACTICED IN USE

By PAUL E. BEIDLER
(Photo on Picture Page)

Mount Pulaski, Ill., Feb. 10.—Numerous books, interesting articles and stories have been written on the life of the martyred president, Abraham Lincoln, who lived in Springfield, Ill., for a number of years before he was honored by being elected to the highest office in the nation, but none of them tell of the historic fact that today in this great state only two old court house buildings still stand intact in which Lincoln, as a lawyer practiced his profession. One of these buildings is the old Logan county court house located in the Mount Pulaski public square, and the other is the old Tazewell county court house in Metamora, the latter of which is now a Lincoln shrine, and under state supervision.

Place Stone Marker

Several years ago a stone marker, honoring Abraham Lincoln was unveiled in the Mount Pulaski public square. In February, 1931, as a tribute to Lincoln, a bronze tablet was placed on the south side of the old Logan county court house, and dedicated by Judge Lawrence B. Stringer, of Lincoln, who is an authority on the life of Lincoln, as it concerns central Illinois.

The bronze tablet, hand-chiseled, is 30 inches high and 24 inches wide, and is considered a beautiful piece of work. The inscription was written by Judge Stringer. The early history of Logan county and the early career of Abraham Lincoln impinge upon each other where they do not actually run in parallel grooves.

Abraham Lincoln was Logan county's surveyor, Logan county's lawyer and Logan county's friend. He was the author and creator of the county, for it was his legislative bill which gave it civic life, marked out its boundaries, and gave it a name.

County Attorney

Abraham Lincoln was the official lawyer of the county, as the records show, from its establishment until he departed for Washington, and he followed its legal fortunes in many cases to the supreme court of the state. He was the intimate

friend of the early settlers in the Salt creek valley, he visited their homes, knew them by their first name, tried their law suits, entertained them with his ready wit, and inspired them with his homespun wisdom.

The old Logan county court house in Mount Pulaski is a monument of Mr. Lincoln's activities in one of the formative periods of his life.

In this historic old Mount Pulaski building for a period of seven years, Abraham Lincoln continuously practiced law. It was the period of his life when he was distinctively the lawyer rather than the politician or statesman, says Judge Stringer. In the legal causes contested in this building he was on one side or the other of every important forensic struggle.

Judge Davis on Bench

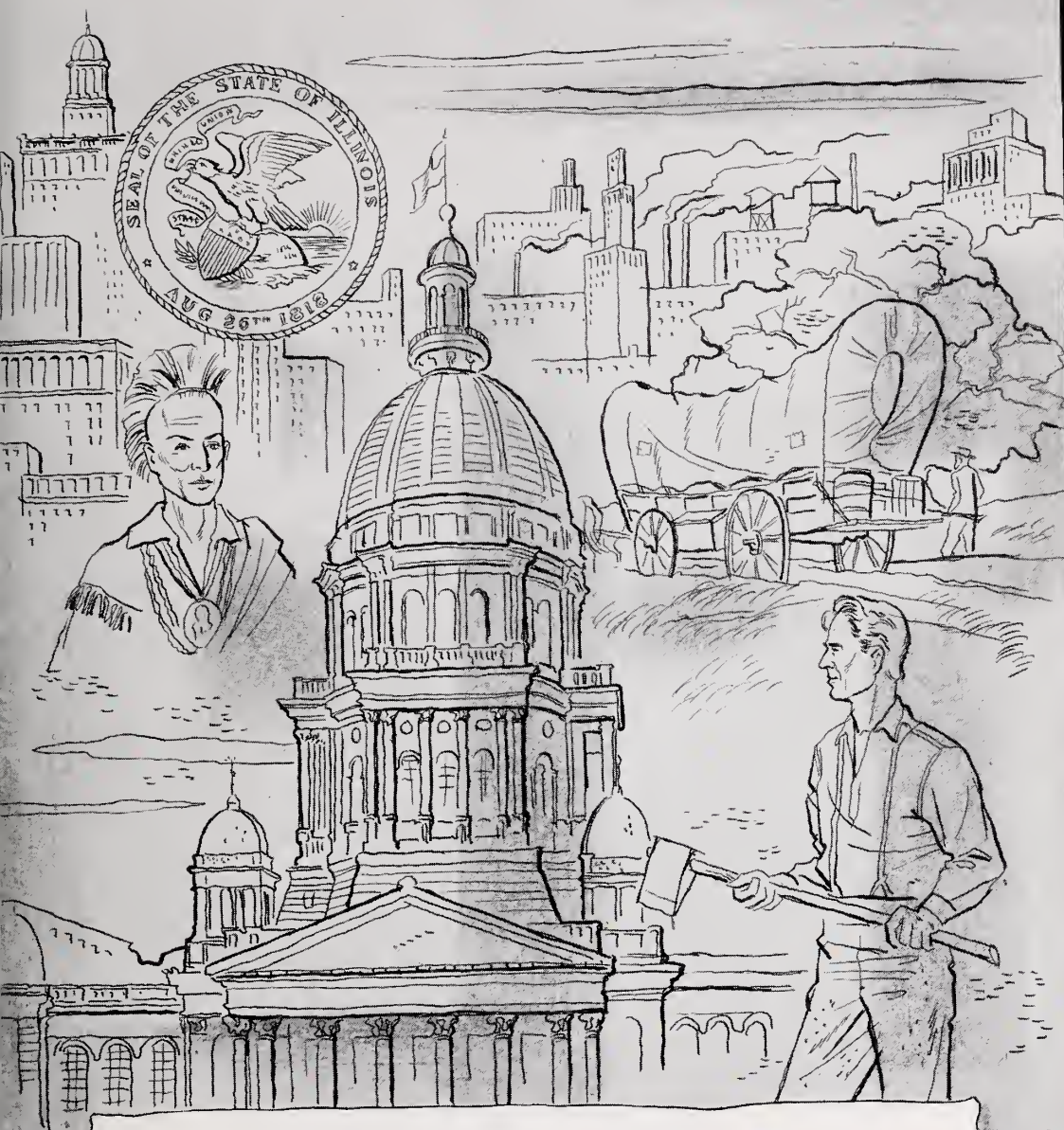
In this structure Lincoln stood before Judge David Davis, who presided continuously over the Mount Pulaski circuit court in those early days—the same Davis whom Mr. Lincoln as president, later appointed as justice of the supreme court of the United States, and who was still later United States senator and acting vice president of the nation. In this building Lincoln established substantive law which has since been followed in every state in the union.

The first court house in Logan county was the Postville structure, which was purchased in recent years by Henry Ford and removed to Dearborn, Michigan, because of the associations of Abraham Lincoln with the old frame building. Postville a great many years ago became a part of the city of Lincoln, which has been the county seat since 1855.

Ninety-eight years ago, Jacob Capps, a close friend of Abraham Lincoln for a number of years, accompanied by other pioneers whom he had interested, came to the hill from Springfield, laid out the town and gave it the name of a Revolutionary hero. The founders of the town dedicated the square to public purposes, and it has been so devoted to this day. From 1855 to 1877 the building was used as a public school. For about forty years it has housed the postoffice. The upstairs rooms are now the American Legion headquarters.

The city of Mount Pulaski, which will celebrate its centennial in 1936, expects in a few years to make the building a Lincoln shrine.

THE SOVEREIGN STATE OF ILLINOIS



A Short History of a Great State:
Its Geography, Climate, Resources,
and Industries.

(19693)



Baseball also attracts thousands of Illinois fans. Farm boys practice bouncing "fielders" off barn roofs. Every county town has its "nine," and Chicago ranks as one of the great baseball cities of the nation. Charles A. Comiskey, a Chicagoan by birth, opened Comiskey Park for his White Sox in 1910. The stands seated 28,500 spectators. Seven years later the park was enlarged to accommodate 32,000. No city in the United States with the exception of Boston offered fans more adequate seating arrangements. For the National League the Cubs park was established in 1916. This team was purchased by William Wrigley, Jr., and from 1923 to 1927 the ball club's stadium was rebuilt into Wrigley Field—reputed to be one of the most luxurious baseball fields in the world. The club is now owned and operated by William Wrigley, Jr.'s son, Philip K. Wrigley.

In 1922 work was begun on a classic stadium in Grant Park known as Soldier Field. Seating over 100,000 this gigantic amphitheater has been used for mass civic demonstrations as well as for athletic events. Ice hockey is also popular with followers of professional athletics. The Chicago Black Hawks won the coveted international Stanley Cup in 1934 and again in 1938.

Historical Background

The number of Indians who originally inhabited Illinois can only be surmised. The aboriginal population varied greatly at different times. Plagues, famines and war continually offset the periodic increase of bountiful seasons. An unusually large population must have resided in parts of the state when the Indian Mounds were built. Archaeologists disagree on the means by which so many workers were fed. The tillable land in the areas around the mounds today does not support sufficient people to erect such pyramids. This advanced aboriginal culture is believed to have disappeared about 1500.

The first Europeans who came to the Illinois country recorded no vestige of the once teeming population. They found Indians of the Algonquian family known as the Illini. These red men had completely forgotten the Mound Builders' culture and lived a semi-nomadic life of hunting and fishing. A few simple crops like corn and squash supplemented their meager diet. Tribal organization was weak. The various communities belonged to a loose confederation with no centralized authority or control. In time of crisis chieftains or medicine men set themselves up as emergency leaders and harangued for

ILLINOIS WAS INDIAN COUNTRY until early in the nineteenth century.





LARGE-SCALE immigration began soon after the War of 1812.

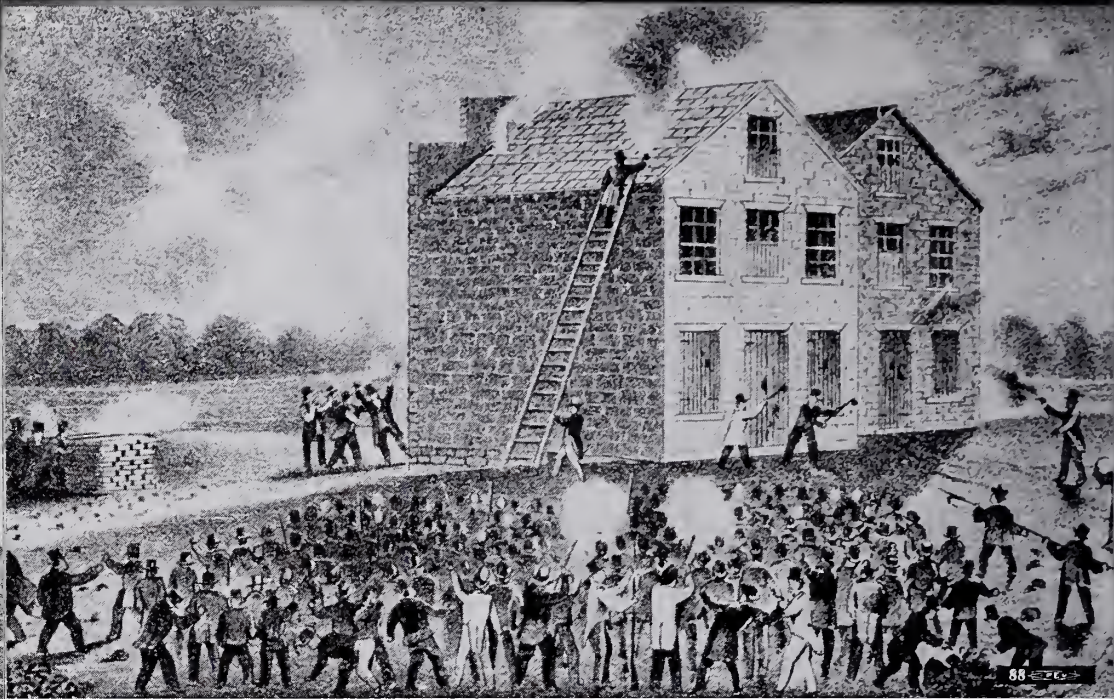
all the followers available. The largest Illini Indian encampments were known as Kaskaskia, Cahokia, Michigamea, Peoria, and Tamaroa. The Sioux, the Foxes, and the Iroquois waged almost continual war on the Illini, and after the Iroquois Indians acquired firearms from the Dutch and English on the Hudson River the fight became a massacre. By 1750 only 1,500 to 2,000 Illini remained. Two decades later these were reduced to a handful who took refuge in the French village of Kaskaskia. The vast area of deserted river and prairie was occupied immediately by the Sauk and Foxes, the Kickapoo and Potawatomi.

The first white men who described Illinois to the European world were Père Marquette and Louis Jolliet, a Jesuit priest and a trader, who floated down the Mississippi to the Arkansas in 1673 and returned to Canada by way of the Illinois River and Lake Michigan. Next year Marquette founded a mission at an Indian village near Starved Rock.

Sieur de la Salle and his lieutenant, Henri de Tonti, "the man with the iron hand," came from Canada to Lake Peoria early in 1680 and built Fort Crève Coeur only to abandon it within a few months. But they determined to return and in 1682 they built Fort St. Louis on Starved Rock—a fort which would remain for a generation. The grandee La Salle did not stay long in Illinois but Tonti spent years in the forts founded by his superior, trading with the Indians and bringing French settlers from Canada. Louis Hennepin, La Salle's chaplain, became famous for his writings about these settlements.

After the death of Père Marquette in 1675 his mission on the Illinois River was taken over by Père Claude Jean Allouez, one of the most famous Jesuits of the Illinois country. He is said to have converted and baptized some ten thousand Indians before he died in 1689.

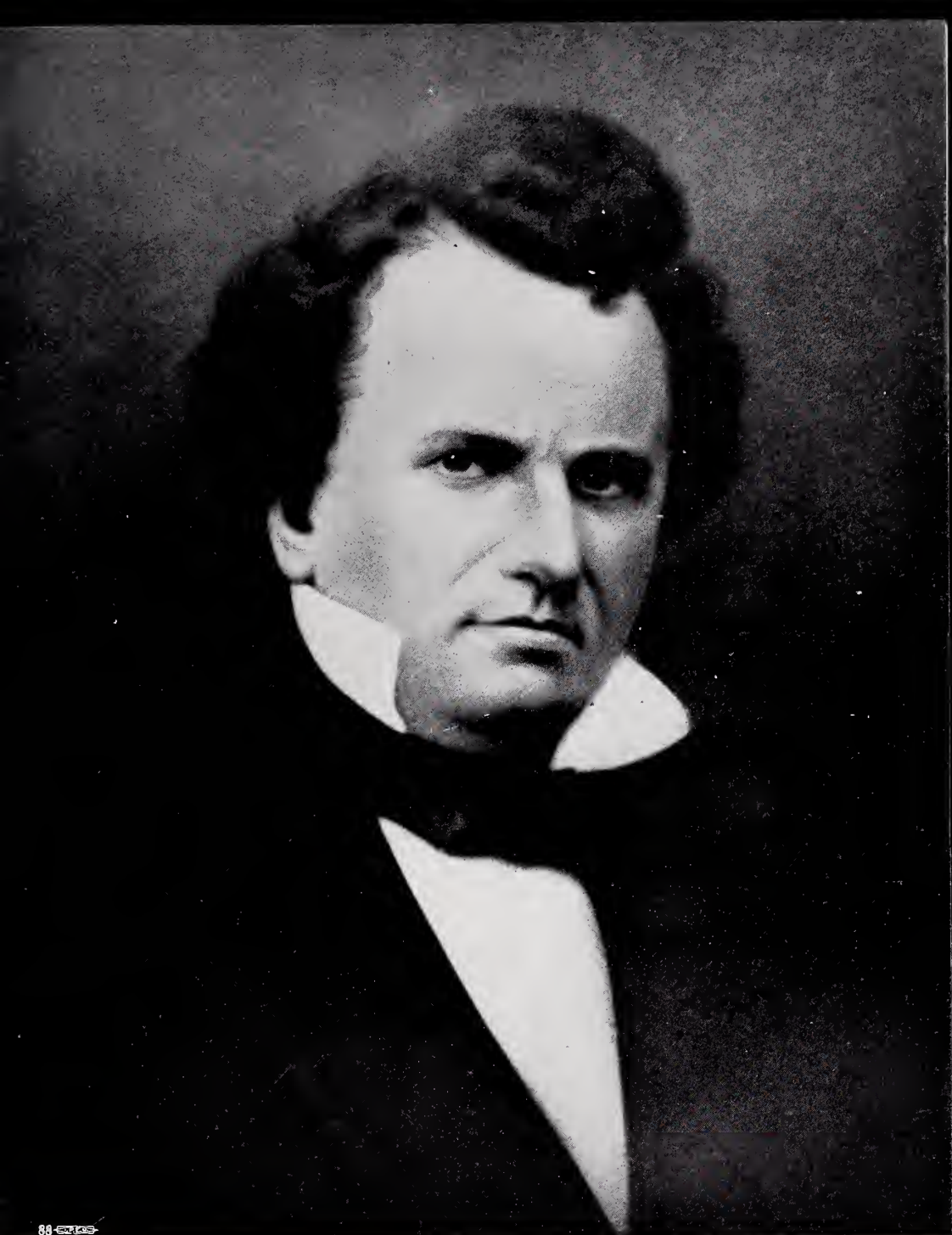
In 1699 a mission church was established at Cahokia—the first permanent white settlement in the Mississippi Valley. For a quarter of a century thereafter Canadians settled in the Illinois country at Kaskaskia, Prairie du Rocher, St. Philippe, Fort Chartres, and Cahokia. The total population in the French period was always small but the farms on the fertile American Bottom supplied an amazing amount of grain that was shipped to military posts on the Ohio and as far away as New Orleans and Canada.



SLAVERY CAUSED much bitter controversy in the new state. In 1837, a mob killed Abolitionist-Editor Elijah Lovejoy after destroying several of his presses in Alton.

CANALS FORMED essential transportation in early days of railroad construction.





88-10105

STEPHEN A. DOUGLAS, the Little Giant, is remembered as a great statesman. During the presidential campaign of 1860, when Lincoln's election seemed a certainty, Douglas made a gallant attempt to prevent the South from seceding.



ABRAHAM LINCOLN, Illinois' most illustrious son, lies buried in Oak Ridge Cemetery, at Springfield. More books have been written about him than any other American. Many famous artists and sculptors have portrayed his likeness. But so great was Lincoln's character that new artistic and literary interpretations appear annually.

Rivalry with British settlers east of the Alleghenies began almost at once. The struggle between France and England for world dominion lasted half a century. In Illinois Louis XV built Fort Chartres in 1720 and twice rebuilt it. To protect the Illinois country during the French and Indian War Louis also rebuilt the stockade at Fort Kaskaskia—but primarily for defense against the Indians. On the Ohio River just below the mouths of the Cumberland and Tennessee rivers the French built Fort Massac to check British colonials and their Indian allies in Kentucky and to protect French communication with Canada. These posts all fell to Britain by the Treaty of Paris in 1763 but Pontiac's Rebellion prevented the formal surrender of Fort Chartres until 1765.

For a little over a decade Britain ruled the Illinois country, then, during the Revolution, it was captured by George Rogers Clark with 175 men. This conquest was not mentioned in the treaty of peace but the thirteen colonies were given a western boundary along the Mississippi which included the territory Clark had occupied. Organized first as a county of Virginia but later abandoned, Illinois had no government for a period of five years. In 1790 Governor Arthur St. Clair came to Kaskaskia and set up a territorial court. A decade later, when the population of the Illinois country consisted of approximately 2,500 Americans and French, the Territory of Indiana was established with Illinois inside its boundaries. In 1809 Illinois Territory was created and Ninian Edwards was appointed governor. Large-scale immigration did not commence until immediately after the War of 1812. By 1818 the area, claiming between 30,000 and 35,000 souls, was admitted to the Union. The first three state governors—Shadrach Bond, Edward Coles, and Ninian Edwards—were Southern gentlemen of the old school. The first two held office at a time when people believed that Illinois would become a slave state but a decisive vote in 1824 banished that idea permanently. Coles was a leader in the fight against slavery in Illinois.

In 1830 John Reynolds became governor. A Jacksonian man of the people, very different from his predecessor, the Old Ranger mingled with frontiersmen on their own terms. During his administration the Black Hawk War occurred and the last Indian was driven out of Illinois, opening all the land to white settlement. The newcomers clamored for roads and canals. A furor for internal improvements started. This, together with wildcat banking, ended in the Panic of 1837.

Governor Thomas Ford (1842-1846) saved the state from bankruptcy. With heavy taxation he pushed work on the Illinois and Michigan Canal which in 1848 was opened to traffic and became profitable at once. In 1848, too, a railroad started operation on ten miles of track out of Chicago. This was the initial step in the rivalry between rail and water transportation that eventually made Chicago, instead of St. Louis, the commercial center of the Midlands.

In 1860 Abraham Lincoln was elected President and the Southern states began to secede, claiming that he and his party would confiscate their slave property. Illinois, especially in the southern sections, had many people sympathetic with the slaveholders. Stephen A. Douglas, John A. Logan, and John M. Palmer all exerted their energy to hold Illinois loyal to the Union cause. Ulysses S. Grant, a graduate of West Point and a resident of Galena, joined the army. Governor Richard Yates even went so far as to adjourn the General

ALTHOUGH GENERAL ULYSSES S. GRANT was Illinois' most famous soldier in the Civil War, there were many many others from the Prairie State.



Assembly and thus prevent legislation by a majority which he feared might check the war effort.

After the Civil War Illinois entered its greatest period of development. Rapidly expanding railroads began to use steel instead of iron rails. Chicago rolling mills were the first in the United States to supply this new demand. Soon the entire smelting industry was revolutionized. The coming of railroads also opened markets for agricultural products, and farmers in turn purchased more John Deere steel plows and McCormick binders. By 1870 Illinois ranked first among all the states in the volume of its corn and hogs and second in wheat.

Coal, originally discovered by French explorers, assumed continually mounting importance as the state became industrialized. The output increased four-fold in the Civil War decade. Factory after factory sprang into existence. The National Watch Company, later known as the Elgin National Watch Company, was founded. Big pottery ovens began operation at Peoria. At Irving cast-iron stoves were manufactured on a large scale. At Chicago the Union Stockyards reached gigantic proportions. The Chicago fire in 1871 failed to check the expansion. Instead, a new market was opened for materials to rebuild the city.

With great industrial growth came growing pains which included the Haymarket Riot in 1886 and the Pullman strike in 1893. Governor John P. Altgeld (1893-1897), first foreign-born governor, is remembered for his pardon of the surviving Haymarket rioters and his opposition to the federal troops sent to quell the Pullman strikers. Twenty years later Governor Frank O. Lowden (1917-1921) achieved signal success in reorganizing the state government and consolidating the entangled boards and commissions.

The state's miraculous growth has always been too fast for legislative control. The constitution of 1818 was replaced by a new organic act in 1848. Another was framed in 1862 but was rejected by the people. In 1870 a constitution designed for the state's industrialized society was adopted. Half a century later another constitutional convention met, debated for over two years and drew up an organic act that was voted down by the people in 1922. More recent attempts have been made, but without avail, to change this eighty-year-old constitution.

THE MOST POWERFUL "atom-smasher" yet built is the 300-million-volt betatron at the University of Illinois, hailed as the key to many future discoveries.



COURTHOUSES
(ILL.)

CIRCUIT

DRAWER 12.A

ILLINOIS IN GENERAL

